Government of Bombay
Legal Department

The Bombay Code

Volume III

PART II

Containing

The Acts passed by the Bombay Legislative Council from 1922 to 1936 and by the Bombay Legislature from 1937 to 1949; the Regulations made by the Governor of Bombay under sub-section (*2*) of section 92 of the Government of India Act, 1935; and a Chronological Table of Acts with an Index and a General Index.

SIXTH EDITION

REPRINT
1956
G. PZ. P. POONA

[Price—Rs. 25 for the set of two volum...]

BOMBAY
PRINTED AT THE GOVERNMENT CENTRAL PRESS
1949

Obtainable from the Superintendent, Government Printing and Stationery Bombay, or through the High Commissioner for India, India House, Aldwych, London, W.C. 2

THE BOMBAY APPROPRIATION ACT, 1950.

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SCHEDULE.

BOMBAY ACT No. III OF 1950.[1]

[THE BOMBAY APPROPRIATION ACT, 1950.]

[*30th March 1950*]

An Act to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State of Bombay to the service of the year ending on the thirty-first day of March 1951.

WHEREAS by virtue of article 204 of the Constitution of India it is necessary to provide for the passing of an Appropriation Act for the appropriation of sums from and out of the Consolidated Fund of the State of Bombay to the service of the year ending on the thirty-first day of March, 1951 ; and for the purpose of authorising payment of the said sums ; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Bombay Appropriation Act, 1950.

Issue of Rs. 1,98,78,90,800 out of the Consolidated Fund of the State of Bombay for the year 1950-51.

2. From and out of the Consolidated Fund of the State of Bombay, there may be paid and applied sums not exceeding those specified in column 4 of the Schedule hereto annexed amounting in the aggregate to the sum of Rupees 1,98,78,90,800 towards defraying the several charges which will come in course of payment during the year ending on the thirty-first day of March, 1951, in respect of the services and purposes specified in column 2 of the Schedule.

Appropriation.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Bombay by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thirty-first day of March, 1951.

SCHEDULE.

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding— Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3		4	
			Rs.	Rs.	Rs.
1	Land Revenue ...	7, Land Revenue ...	1,45,47,000	15,21,000	1,60,68,000
2	Provincial Excise ...	8, Provincial Excise ...	81,50,000	.....	81,50,000
3	Stamps ...	9, Stamps ...	4,93,000	.....	4,93,000
4	Forest ...	10, Forest ...	1,25,83,000	33,000	1,26,16,000
5	Registration ...	11, Registration ...	15,37,000	.....	15,37,000
6	Charges on account of Motor Vehicles Acts.	12, Charges on account of Motor Vehicles Acts.	12,26,500	1,00,12,500	1,12,38,000
7	Other Taxes and Duties	13, Other Taxes and Duties.	70,68,000	.....	70,68,000
8	Interest on works for which Capital accounts are kept—Irrigation works.	17, Interest on works for which capital accounts are kept—Irrigation Works.	.....	54,11,000	54,11,000
9	Irrigation (including working expenses).	XVII—*Deduct*—Working expenses and 18, Other revenue expenditure financed from ordinary revenues.	1,11,12,900*	.....	1,11,12,900
10	Interest on debt and other obligations.	22, Interest on debt and other obligations.	.....	62,18,000	62,18,000
11	Appropriation for reduction or avoidance of debt.	23, Appropriation for reduction or avoidance of debt.	.....	59,34,000	59,34,000
		Carried over ...	5,67,16,400	2,91,29,500	8,58,45,900

* Made up as shown below :—

	Rs.
XVII—*Deduct*—Working Expenses	29,54,800
18, Other revenue expenditure financed from ordinary revenues—Public Works.	49,19,100
Do. do. do. do. do. Civil ...	32,39,000
	1,11,12,900

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1950, Part V. p. 159.

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding— Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3		4	
			Rs.	Rs.	Rs.
		Brought forward ..	5,67,16,400	2,91,29,500	8,58,45,900
12	General Administration	25. General Administration.	3,61,71,000	11,16,000	3,72,87,000
13	Administration of Justice	27, Administration of Justice.	1,62,00,400	22,17,600	1,84,18,000
14	Jails and convict Settlements.	28, Jails and Convict Settlements.	68,98,000	....	68,98,000
15	Police ..	29, Police ..	8,80,52,000	....	8,80,52,000
16	Ports and Pilotage ..	30, Ports and Pilotage ..	5,000	....	5,000
17	Dangs ..	33, A Dangs District ..	28,10,000	....	28,10,000
18	Scientific Departments	36, Scientific Departments	5,46,000	....	5,46,000
19	Education	37, Education ..	12,37,36,000	....	12,37,36,000
20	Medical ..	38, Medical ..	2,40,13,000	....	2,40,13,000
21	Public Health ..	39, Public Health ..	1,86,99,000	....	1,86,99,000
22	Agriculture ..	40, Agriculture ..	2,78,26,000	....	2,78,26,000
23	Veterinary ..	41, Veterinary ..	48,33,000	....	48 33,000
24	Co-operation ..	42, Co-operation ..	1,07,81,000	....	1,07,81,000
25	Industries ..	43, Industries ..	53,74,000	....	53,74,000
26	Miscellaneous Departments (except Labour)	47, Miscellaneous Departments.	2,91,73,100	....	2,91,73,100
27	Labour ..	47, Miscellaneous Departments.	44,74,900	....	44,74,900
28	Civil Works ..	50, Civil Works ..	5,00,19,600‡	4,12,000	5,04,31,600
		Carried over ..	50,63,28,400	3,28,75,100	53,92,03,500

‡Made up as shown below:—	Voted. Rs.	*Charged.* Rs.
50, Civil Works	4,19,36,000	4,12,000
XVII—*Deduct*—Working Expenses—		
Establishment	4,74,400	....
Tools and Plant	19,800	....
18, Other Revenue Expenditure—		
Establishment	7,96,400	....
Tools and Plant	66,500	....
XLI Receipts from Electricity Schemes— *Deduct*—Working Expenses—		
Establishment	3,100	....
Tools and Plant	300	....
51, Bombay Development Scheme—		
Establishment	1,97,400	....
Tools and Plant	16,400	....
68, Construction of Irrigation, etc., works—		
Establishment	30,52,000	....
Tools and Plant	2,54,300	....
81, Capital Account of Civil Works, etc.—		
Establishment	29,56,600	....
Tools and Plant	2,46,400	....
	5,00,19,600	4,12,000

Serial No.	Services and purposes.	Heads of Account.	ums not exceeding— Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3		4	
			Rs.	Rs.	Rs.
		Brought forward ..	50,63,28,400	3,28,75,100	53,92,03,500
29	Bombay Development Scheme	51, Bombay Development Scheme.	14,60,200	....	14,60,200
30	Electricity Schemes ..	XLI—Receipts from Electricity Scheme—*Deduct*—Working expenses.	12,61,600	....	12,61,600
31	Other Revenue Expenditure etc.	52-A, Other Revenue Expenditure connected with Electricity Schemes.	2,69,70,000	....	2,69,70,000
32	Famine ..	54, Famine ..	12,99,000	....	12,99,000
33	Political Pensions ..	54-A, Political Pensions.	15,43,000	94,60,000	1,10,03,000
34	Superannuation Allowances and Pensions	55, Superannuation Allowances and Pensions.	1,73,73,000	6,61,000	1,80,34,000
35	Stationery and Printing.	56 Stationery and Printing	65,78,000	....	65,78,000
36	Miscellaneous ..	57, Miscellaneous ..	1,90,60,000	....	1,90,60,000
37	Civil Defence ..	64-B, Civil Defence ..	62,000	....	62,000
		Total Expenditure on revenue account (including Revenue Expenditure and Capital Expenditure within Revenue Account).	58,19,35,200	4,29,96,100	62,49,31,300
38	Irrigation ..	68, Construction of Irrigation, etc., Works.	2,89,15,700	....	2,89,15,700
39	Public Health ..	70, Capital Outlay on Improvement of Public Health.	38,83,000	....	38,83,000
40	Industrial Development.	72, Capital Outlay on Industrial Development.	1,40,27,000	....	1,40,27,000
		Carried over	4,68,25,700	....	4,68,25,700

Serial No.	Services and purposes.	Heads of Account.	Sums not exceeding— Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3		4	
			Rs.	Rs.	Rs.
		Brought forward ..	4,68,25,700	....	4,68,25,700
41	Bombay Development Scheme.	80, Bombay Development Scheme.	5,500	....	5,500
42	Civil Works ..	81, Capital Account of Civil Works outside the Revenue Account.	1,15,18,000	....	1,15,18,000
43	Electricity Schemes ..	81-A, Capital Outlay on Electricity Schemes.	1,29,000	....	1,29,000
44	Housing for Displaced Persons and Milk Scheme.	82, Capital Account of other Provincial Works outside the Revenue Account.	3,03,70,000	....	3,03,70,000
45	Payments of Commuted value of Pensions.	83, Payments of Commuted Value of Pensions.	6,40,000	....	6,40,000
46	Provincial Scheme Connected with the State Trading.	85-A, Capital Outlay on Provincial Schemes of State Trading.	1,18,77,95,500	23,60,800	1,19,01,56,300
		Total Capital Expenditure outside the Revenue Account.	1,27,72,83,700	23,60,800	1,27,96,44,500
47	Advances repayable ..	Advances repayable ..	11,00,000	....	11,00,000
48	Loans and Advances bearing interest.	Loans and Advances by Provincial Government.	6,21,86,000	....	6,21,86,000
49	Loans from the Central Government.	Loans from the Central Government.	....	86,71,000	86,71,000
50	Provincial Road Fund ..	Provincial Road Fund ..	....	1,13,58,000	1,13,58,000
		Total Disbursement under Debt Heads.	6,32,86,000	2,00,29,000	8,33,15,000
		Grand Total ..	1,92,25,04,900	6,53,85,900	1,98,78,90,800

THE BOMBAY MERGED STATES (LAWS) ACT, 1950.

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PREAMBLE.

SECTIONS.

1. Short title.
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4. Repeal of corresponding laws.
5. Certain laws to continue in force in certain States.
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FIFTH SCHEDULE.

BOMBAY ACT No. IV OF 1950.[1]

[THE BOMBAY MERGED STATES (LAWS) ACT, 1950.]

[*30th March 1950*]

Amended by Bom. 44 of 1950.
" " " 46 of 1950.
" " " 21 of 1951.
" " " 32 of 1951.
" " " 36 of 1951.
" " " 12 of 1952.
" " " 24 of 1952.
" " " 21 of 1953.
" " " 49 of 1953.
" " " 45 of 1955.

An Act to extend certain Acts and Regulations to certain areas administered as parts of the State of Bombay.

26 Geo. 5 Ch. 2. WHEREAS by order under section 290A of the Government of India Act, 1935, provision had been made for the administration of certain areas comprised in the merged States as if they formed part of the Province of Bombay;

Bom Ordinance No. VI of 1949. AND WHEREAS the Bombay Merged States (Laws) Ordinance, 1949, has been promulgated under section 88 of the said Act extending certain Acts and Regulations to the said merged States;

AND WHEREAS the territory of the State of Bombay now comprises the territories of the said merged States;

AND WHEREAS it is expedient to extend certain Acts and Regulations to the said areas;

It is hereby enacted as follows:—

Short title. **1.** This Act may be called the Bombay Merged States (Laws) Act, 1950.

Definitions. **2.** In this Act, the expression "merged States" has the same meaning as in the States' Merger (Governors' Provinces) Order, 1949.

Extension of laws. **3.** (*1*) All the Acts and Regulations specified in the First Schedule, and so much of the Acts and Ordinance specified in the Second Schedule as relates to matters with respect to which the State Legislature has power to make laws are hereby extended to, and shall be in force in the merged States.

(*2*) The Acts specified in the first column of the Third Schedule shall be amended in their application to the merged States specified in the second column in the manner set forth in the third column of that Schedule.

(*3*) (*a*) Subject to the provisions of clause (*b*) and the proviso to sub-section (*1*) of section 4, all appointments, delegations, notifications, orders, bye-laws, rules and regulations made, issued or prescribed under any Act, Ordinance or Regulation hereby extended to the merged States shall be deemed to extend to and be in force in the merged States.

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1950, Part V, p. 137.

(*b*) Where any such appointment, delegation, notification, order, bye-law, rule or regulation has been made, issued or prescribed in respect of any specified local area, it shall be deemed to extend to and to be in force also in any area of the merged States which has been included in such local area under any law for the time being in force.

Repeal of corresponding laws.

4. (*1*) If immediately before the commencement of this Act, there is in force in any of the merged States an Act, Ordinance, Regulation or any other law corresponding to an Act, Ordinance or Regulation specified in the First or Second Schedule, whether by virtue of an Order under the Extra-Provincial Jurisdiction Act, 1947, applying that Act, Ordinance or Regulation or by virtue of any other legislative power, such law corresponding to the Act or Regulation specified in the First Schedule or any part of such law corresponding to so much of an Act or Ordinance specified in the Second Schedule as relates to matters with respect to which the State Legislature has power to make laws, shall upon the commencement of this Act cease to have effect in any such merged State : XLVII of 1947.

Provided that all appointments, delegations, notifications, orders, bye-laws, rules and regulations which have been made, issued or prescribed under such law or any part of such law exclusively in respect of any area of the merged States forming part of the Districts of Banas Kantha, Sabar Kantha, Mehsana, Amreli, Baroda and Kolhapur and in force immediately before the commencement of this Act in any such area shall be deemed to have been made, issued or prescribed under the corresponding provision of the Act, Ordinance or Regulation extended to the merged States under section 3 and shall continue in force until it is altered, repealed or amended by a competent authority.

(*2*) Without prejudice to the generality of, and subject to the provisions contained in sub-section (*1*) the laws specified in the Fourth Schedule shall cease to have effect and are hereby repealed.

Certain laws to continue in force in certain States.

5. Notwithstanding anything contained in the foregoing provisions the enactments specified in the first column of the Fifth Schedule shall continue in force in the merged States specified in the second column of that Schedule as if they are enacted by the State Legislature until they are altered, repealed or amended by the said Legislature or any other competent authority.

Saving of Limitation.

6. Notwithstanding anything contained in this Act, if the period of limitation prescribed by the Indian Limitation Act, 1908, for any suit, appeal or application is less than the period prescribed by any corresponding law in force in the merged States immediately before the commencement of an Order applying to any of the said States, the Indian Limitation Act, 1908, under the Extra-Provincial Jurisdiction Act, 1947, such suit, appeal or application may be instituted within two years next after the date of the commencement of such order or within the period prescribed by such corresponding law, whichever period first expires. IX of 1908. IX of 1908. XLVII of 1947.

Repeal.

7. The Bombay Merged States (Laws) Ordinance, 1949, is hereby repealed and it is hereby declared that the provisions of section 7 of the Bombay General Clauses Act, 1904, shall apply to the repeal, as if that Ordinance were an enactment. Bom. Ordinance No. VI of 1949. Bom. I of 1904.

FIRST SCHEDULE.

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The Bombay Prevention of Prostitution Act, 1923 (Bom. XI of 1923).

The Bombay Prevention of Adulteration Act, 1925 (Bom. V of 1925).

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The Bombay Municipal Boroughs Act, 1925 (Bom. XVIII of 1925).

The Invalidation of Hindu Ceremonial Emoluments Act, 1926 (Bom. XI of 1926).

The Bombay Non-Agriculturists' Loans Act, 1928 (Bom. III of 1928).

The Bombay Maternity Benefit Act, 1929 (Bom. VII of 1929).

The Bombay Borstal Schools Act, 1929 (Bom. XVIII of 1929).

The Bombay Local Fund Audit Act, 1930 (Bom. XXV of 1930).

The Bombay Weights and Measures Act, 1932 (Bom. XV of 1932).

The Bombay (District) Tobacco Act, 1933 (Bom. II of 1933).

The Bombay Village Panchayats Act, 1933 (Bom. VI of 1933).

The Bombay Live-stock Improvement Act, 1933 (Bom. XXII of 1933).

The Bombay Trade Disputes Conciliation Act, 1934 (Bom. IX of 1934).

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The Bombay Electricity (Special Powers) Act, 1946 (Bom. XX of 1946).

The Bombay Essential Commodities and Cattle (Control) Act, 1946 (Bom. XXII of 1946).

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The Police Act, 1888 (III of 1888).
The Measures of Length Act, 1889 (II of 1889).
The Revenue Recovery Act, 1890 (I of 1890).
The Charitable Endowments Act, 1890 (VI of 1890).
The Guardians and Wards Act, 1890 (VIII of 1890).
The Prevention of Cruelty to Animals Act, 1890 (XI of 1890).
The Bankers' Books Evidence Act, 1891 (XVIII of 1891).
The Government Management of Private Estates Act, 1892 (X of 1892).
The Partition Act, 1893 (IV of 1893).
The Land Acquisition Act, 1894 (I of 1894).
The Prisons Act, 1894 (IX of 1894).
The Crown Grants Act, 1895 (XV of 1895).
The Epidemic Diseases Act, 1897 (III of 1897).
The Indian Fisheries Act, 1897 (IV of 1897).
The Reformatory Schools Act, 1897 (VIII of 1897).
The General Clauses Act, 1897 (X of 1897).
The Lepers Act, 1898 (III of 1898).
The Code of Criminal Procedure, 1898 (V of 1898).
The Indian Post Office Act, 1898 (VI of 1898).
The Indian Stamp Act, 1899 (II of 1899).
The Government Buildings Act, 1899 (IV of 1899).
The Glanders and Farcy Act, 1899 (XIII of 1899).
The Prisoners Act, 1900 (III of 1900).
The Indian Foreign Marriage Act, 1903 (XIV of 1903).
The Ancient Monuments Preservation Act, 1904 (VII of 1904).
The Code of Civil Procedure, 1908 (V of 1908).
The Indian Limitation Act, 1908 (IX of 1908).
The Criminal Law (Amendment) Act, 1908 (XIV of 1908).
The Indian Registration Act, 1908 (XVI of 1908).
The Whipping Act, 1909 (IV of 1909).
The Indian Electricity Act, 1910 (IX of 1910).
The Prevention of Seditious Meetings Act, 1911 (X of 1911).

The Indian Lunacy Act, 1912 (IV of 1912).
The Wild Birds and Animals Protection Act, 1912 (VIII of 1912).
The Official Trustees Act, 1913 (II of 1913).
The Administrator General's Act, 1913 (III of 1913).
The Mussalman Wakf Validating Act, 1913 (VI of 1913).
The Indian Companies Act, 1913 (VII of 1913).
The Destructive Insects and Pests Act, 1914 (II of 1914).
The Local Authorities Loans Act, 1914 (IX of 1914).
The Indian Medical Degrees Act, 1916 (VII of 1916).
The Hindu Disposition of Property Act, 1916 (XV of 1916).
The Inland Steam Vessels Act, 1917 (I of 1917).
The Destruction of Records Act, 1917 (V of 1917).
The Cinematograph Act, 1918 (II of 1918).
The Usurious Loans Act, 1918 (X of 1918).
The Local Authorities Pensions and Gratuities Act, 1919 (I of 1919).
The Poisons Act, 1919 (XII of 1919).
The Provincial Insolvency Act, 1920 (V of 1920).
The Indian Securities Act, 1920 (X of 1920).
The Charitable and Religious Trusts Act, 1920 (XIV of 1920).
The Indian Red Cross Society Act, 1920 (XV of 1920).
The Identification of Prisoners Act, 1920 (XXXIII of 1920).
The Indian Elections Offences and Inquiries Act, 1920 (XXXIX of 1920).
The Cotton Transport Act, 1923 (III of 1923).
The Indian Boilers Act, 1923 (V of 1923).
The Workmen's Compensation Act, 1923 (VIII of 1923).
The Indian Official Secrets Act, 1923 (XIX of 1923).
The Legal Practitioners (Women) Act, 1923 (XXIII of 1923).
The Mussalman Wakf Act, 1923 (XLII of 1923).
The Cotton Ginning and Pressing Factories Act, 1925 (XII of 1925).
The Provident Funds Act, 1925 (XIX of 1925).
The Indian Succession Act, 1925 (XXXIX of 1925).
The Contempt of Courts Act, 1926 (XII of 1926).
The Indian Trade Unions Act, 1926 (XVI of 1926).
The Cotton Industry (Statistics) Act, 1926 (XX of 1926).
The Legal Practitioners (Fees) Act, 1926 (XXI of 1926).
The Indian Forest Act, 1927 (XVI of 1927).
The Hindu Inheritance (Removal of Disabilities) Act, 1928 (XII of 1928).
The Hindu Law of Inheritance (Amendment) Act, 1929 (II of 1929).
The Child Marriage Restraint Act, 1929 (XIX of 1929).
The Dangerous Drugs Act, 1930 (II of 1930).
The Indian Sale of Goods Act, 1930 (III of 1930).
The Hindu Gains of Learning Act, 1930 (XXX of 1930).

The Mussalman Wakf Validating Act, 1930 (XXXII of 1930).
The Indian Press (Emergency Powers) Act, 1931 (XXIII of 1931).
The Indian Partnership Act, 1932 (IX of 1932).
The Criminal Law Amendment Act, 1932 (XXIII of 1932).
The Children (Pledging of Labour) Act, 1933 (II of 1933).
The Indian Medical Council Act, 1933 (XXVII of 1933).
The Sugarcane Act, 1934 (XV of 1934).
The Parsi Marriage and Divorce Act, 1936 (III of 1936).
The Payment of Wages Act, 1936 (IV of 1936).
The Agricultural Produce (Grading and Marking) Act, 1937 (I of 1937).
The Hindu Women's Rights to Property Act, 1937 (XVIII of 1937).
The Arya Marriage Validation Act, 1937 (XIX of 1937).
The Muslim Personal Law (Shariat) Application Act, 1937 (XXVI of 1937).
The Cutchi Memon's Act, 1938 (X of 1938).
The Criminal Law Amendment Act, 1938 (XX of 1938).
The Employers' Liability Act, 1938 (XXIV of 1938).
The Employment of Children Act, 1938 (XXVI of 1938).
The Motor Vehicles Act, 1939 (IV of 1939).
The Dissolution of Muslim Marriage Act, 1939 (VIII of 1939).
The Commercial Documents Evidence Act, 1939 (XVI of 1939).
The Medical Diplomas Act, 1939 (XXVIII of 1939).
The Arbitration Act, 1940 (X of 1940).
The Drugs Act, 1940 (XXIII of 1940).
The Professions Tax Limitation Act, 1941 (XX of 1941).
The Weekly Holidays Act, 1942 (XVIII of 1942).
The Industrial Statistics Act, 1942 (XIX of 1942).
The Hindu Married Women's Right to separate Residence and Maintenance Act, 1946 (XIX of 1946).
The Industrial Employment (Standing Orders) Act, 1946 (XX of 1946).
The Hindu Marriage Disabilities Removal Act, 1946 (XXVIII of 1946).
The Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946).
The Prevention of Corruption Act, 1947 (II of 1947).
The Industrial Disputes Act, 1947 (XIV of 1947).
The Requisitioned Land (Continuance of Powers) Act, 1947 (XVII of 1947).
The Indian Nursing Council Act, 1947 (XLVIII of 1947).
The Pharmacy Act, 1948 (VIII of 1948).
The Minimum Wages Act, 1948 (XI of 1948).
The Rehabilitation Finance Administration Act, 1948 (XII of 1948).
The Dentists Act, 1948 (XVI of 1948).
The Displaced Persons (Institution of Suits) Act, 1948 (XLVII of 1948).
The Electricity (Supply) Act, 1948 (LIV of 1948).
The Factories Act, 1948 (LXIII of 1948).
The Hindu Marriages Validity Act, 1949 (XXI of 1949).
The Payment of Taxes (Transfer of Property) Act, 1949 (XXII of 1949).
The Displaced Persons (Legal Proceedings) Act, 1949 (XXV of 1949).
The Essential Services (Maintenance) Ordinance, 1941 (XI of 1941).

PART II.

The Bombay Finance Act, 1932 (Bom. II of 1932).

THIRD SCHEDULE.

Enactments.	Names of States.	Amendments.
1	2	3
The Bombay Tenancy and Agricultural Lands Act, 1948 (Bom. LXVII of 1948).	Akalkot, Aundh, Bhor, Jamkhandi, Jath, Kurundwad (Sr.), Kurundwad (Jr.), Miraj (Sr.), Miraj (Jr.), Mudhol, Phaltan, Ramdurg, Sangli, Savnur, Sawantwadi, Wadi-Jagir, Janjira, Dharampur, Balasinor, Chhota-Udepur, Lunawada, Rajpipla (including Sogbara), Baria, Bansda, Sant, Cambay, Idar, Jawhar, Vijaynagar, Sachin, Radhanpur, Palanpur, Jambughoda, Surgana, Tharad, Bhaderwa, Mohanpur, Malpur, Mansa, Wao, Khadal, Ghodasar, Vasna, Katosan, Sudasna, Valasna, Ranasan, Varsoda, Ambaliara, Punadra, Ilol, Sanjeli.	In column 4 of the Schedule annexed to the Act,— (*a*) In section 3-A of the Bombay Tenancy Act referred to therein for the words and figures "the eighth day of November 1947" the words and figures "the eleventh day of August 1949" shall be substituted. (*b*) In the proviso to sub-section (*1*) of section 4 of the Bombay Tenancy Act referred to therein, reference to "section 9 of the Bombay Small Holders Relief Act, 1938" shall be read as reference to "any enactment corresponding to section 9 of the Bombay Small Holders Relief Act, 1938, if any, in any of the States". (*c*) In the proviso to sub-section (*1*) of section 4 of the Bombay Tenancy Act referred to therein, for the words and figures "the eighth day of November 1946" the words and figures "the eighth day of August 1948" shall be substituted. (*d*) In sub-section (*2*) of section 4 of the Bombay Tenancy Act referred to therein— (1) for the words and figures "the eighth day of November 1946" the words and figures "the eleventh day of August 1948" shall be substituted ; (2) for the words and figures "31st day of May 1947" occurring in sub-clause (*b*) (*i*), the words and figures "31st day of May 1949" shall be substituted. (3) for the words and figures "1st day of June 1947" occurring in sub-clause (*b*) (*ii*), the words and figures "1st day of June 1949" shall be substituted.
The Bombay Tenancy and Agricultural Lands Act, 1948 (Bom. LXVII of 1948)	Kolhapur ...	In column 4 of the Schedule annexed to the Act,— (*a*) In section 3-A of the Bombay Tenancy Act referred to therein, for the words and figures "the eighth day of November 1947" the words and figures "the first day of May 1950", shall be substituted. (*b*) In the proviso to sub-section (*1*) of section 4 of the Bombay Tenancy Act referred to therein, reference to "section 9 of the Bombay Small Holders Relief Act, 1938", shall be read as reference to "any enactment corresponding to section 9 of the Bombay Small Holders Relief Act, 1938, if any, in the State". (*c*) In the proviso to sub-section (*1*) of section 4 of the Bombay Tenancy Act referred to therein, for the words and figures "the eighth day of November 1946" the words and figures "the first day of May 1949" shall be substituted. (*d*) In sub-section (*2*) of section 4 of the Bombay Tenancy Act referred to therein,— (1) for the words and figures "the eighth day of November 1946" the words and figures "the first day of May 1949" shall be substituted ; (2) for the words and figures "31st day of May 1947" occurring in sub-clause (*b*) (*i*), the words and figures "31st day of May 1949" shall be substituted; (3) for the words and figures "1st day of June 1947" occurring in sub-clause (*b*) (*ii*), the words and figures "1st day of June 1949" shall be substituted.

Enactments.	Names of States.	Amendments.
1	2	3
The Bombay Agricultural Debtors Relief Act, 1947 (Bom. XXVIII of 1947).	Akalkot, Aundh, Bhor, Jamkhandi, Jath, Kurundwad (Sr.), Kurundwad (Jr.), Miraj (Sr.), Miraj (Jr.), Mudhol, Phaltan, Ramdurg, Sangli, Savanur, Sawantwadi, Wadi-Jagir, Janjira, Dharampur, Balasinor, Chhota-Udepur, Lunawada, Rajpipla (including Segbara), Baria, Bansda, Sant, Cambay, Idar, Jawhar, Vijaynagar, Sachin, Radhanpur, Palanpur, Jambughoda, Surgana, Tharad, Bhaderwa, Mohanpur, Malpur, Mansa, Wao, Khadal, Ghodasar, Vasna, Katosan, Sudasna, Valasna, Ranasan, Varsoda, Ambaliara, Punadra, Ilol, Sanjeli.	(1) In section 2— (*a*) (*i*) In clause (2), "Co-operative Society" shall mean a society registered under any of the provisions corresponding to those contained in the Bombay Co-operative Societies Act, 1925, or a society registered under the said Act. (*ii*) in clause (5) (*a*) for the figures, letters and word "30th January 1940" wherever they occur, the figures, letters and word "1st January 1948" shall be substituted; (*b*) for the words "the date of the coming into operation of this Act or the establishment of the Board concerned under the repealed Act," wherever they occur the words, figures and letters "the 15th day of September 1948" shall be substituted. (2) In section 4, for sub-section (*1*) the following shall be substituted, namely:—"(*1*) Any debtor ordinarily residing in any local area or his creditor may make an application on or before the 15th June 1949 to the Court for the adjustment of his debts". (3) In section 7, for the figures, letters and word "1st January 1938" the figures, letters and word "1st January 1948" shall be substituted. (4) In section 22, the following proviso shall be added at the end, namely:— "Provided further that where any amount due to a creditor is determined by a competent tribunal or authority under any law in force in any of the States relating to the conciliation or adjustment of the debts of agriculturists corresponding to this Act, the amount so determined shall be binding on the parties". (5) In section 23, in the proviso, after the figures "1879" the words "or any enactment corresponding thereto" shall be inserted. (6) In section 24, sub-section (*2*), for the figures, letters and word "1st August 1947" the figures, letters and word "16th June 1949" shall be substituted. (7) In section 25,— (*a*) in clause (*i*), the words and figures "or by a Board established under section 4 of the repealed Act" shall be deleted; (*b*) in clause (*ii*) for the figures, letters and words "15th day of February 1939" the figures, letters and word "1st January 1948" shall be substituted. (8) In section 32, sub-section (*2*)— (*i*) for clause (*c*) the following clause shall be substituted, namely:— "(*c*) loans given by resource societies or by persons authorised to advance loans under section 54 for the financing of crops or for seasonal finance"; (*ii*) in the Explanation the words "under the repealed Act" and the words "under this Act" shall be deleted. (9) In section 56 for the words "date of the coming into operation of this Act" the figures, letters and word "15th June 1949" and for the words and figures "the Dekkhan Agriculturists' Relief Act, 1879" the words and figures "any enactment corresponding to the Dekkhan Agriculturists' Relief Act, 1879, in force in any of the States" shall be substituted.

Enactments.	Names of States.	Amendments.
1	2	3
		(10) In section 56, in sub-section (*1*)— (*i*) for the words and figures "the Dekkhan Agriculturists' Relief Act, 1879, by the Bombay Agricultural Debtors Relief Act, 1939, the first mentioned Act", the words and figures "any enactment corresponding to the Dekkhan Agriculturists' Relief Act, 1879, in force in any of the States, such enactment" shall be substituted; (*ii*) the words and brackets "with effect from the date of the coming into operation of this Act (hereinafter in this section referred to as the said date)" shall be deleted; (*iii*) for the words "for the period of three years from the said date" the words, figures and letters "up to the 26th day of May 1950" shall be substituted; (*iv*) for the first proviso the following shall be substituted, namely:— "Provided that any proceeding in or out of any suit instituted on or before the 26th May 1950 shall be continued and disposed of after the said date, as if the enactment corresponding to the Dekkhan Agriculturists' Relief Act, 1879, had continued in force after the said date".
The Bombay Agricultural Debtors Relief Act 1947 (Bom. XXVIII of 1947).	Kolhapur	(1) In section 2,— (*i*) in clause (2), "Co-operative Society" shall mean a society registered under any of the provisions corresponding to those contained in the Bombay Co-operative Societies Act, 1925, or a society registered under the said Act; (*ii*) in clause (5)— (*a*) for the figures, letters and word "30th January 1940" wherever they occur, the figures, letters and word "1st January 1949" shall be substituted; (*b*) for the words "the date of the coming into operation of this Act or of the establishment of the Board concerned under the repealed Act", wherever they occur, the words, figures and letters "the 1st May 1949" shall be substituted. (2) In section 4, for sub-section (*1*) the following shall be substituted, namely:— "(1) Any debtor ordinarily residing in any local area or his creditor may make an application before the 31st October 1949 to the Court for the adjustment of his debts: Provided that any debtor ordinarily residing in any of the villages of Mososhi, Soliwade, Angale and Mosam forming part of the Rajapur taluka of the Ratnagiri district or any creditor of such debtor may make an application on or before the 31st August 1950 to the Court for the adjustment of his debts." (3) In section 7, for the figures, letters and word "1st January 1938" the figures, letters and word "1st January 1949" shall be substituted. (4) In section 22, the following proviso shall be added at the end, namely:— "Provided further that where any amount due to a creditor is determined by a competent tribunal or authority under any law in force in the Kolhapur State relating to the conciliation or adjustment of the debts of the agriculturists corresponding to this Act, the amount so determined shall be binding on the parties".

Enactments.	Names of States.	Amendments.
1	2	3

(5) In section 23, in the proviso, after the figures "1879" the words "or any enactment corresponding thereto" shall be inserted.

(6) In section 24, in sub-section (*2*),—

(*i*) for the figures, letters and word "1st August 1947" the figures, letters and word "31st October 1949" shall be substituted;

(*ii*) after the words "transfer in the nature of a mortgage" the following proviso shall be inserted—

"Provided that any agricultural labourer ordinarily residing in any of the villages of Mososhi, Soliwade, Angale and Mosam forming part of the Rajapur Taluka of the Ratnagiri District may make such application on or before the 31st August 1950"

(*iii*) before the words "On hearing the application" the brackets and figure "(*3*)" shall be inserted.

(7) In section 25,—

(*i*) in clause (*i*), the words and figure "or by a Board established under section 4 of the repealed Act" shall be deleted;

(*ii*) in clause (*ii*), for the figures, letters and words "15th day of February 1939", the figures, letters and word "1st January 1949" shall be substituted.

(8) In section 32, in sub-section (*2*),—

(*i*) for clause (*c*), the following clause shall be substituted, namely:—

"(*c*) loans given by resource societies or by persons authorised to advance loans under section 54 for the financing of crops or for seasonal finance,";

(*ii*) in the Explanation the words "under the repealed Act" and the words "under this Act," shall be deleted.

(9) In section 56, in sub-section (*1*),—

(*i*) for the words and figures "the Dekkhan Agriculturists' Relief Act, 1879, by the Bombay Agricultural Debtors Relief Act, 1939, the first mentioned Act" the words "any enactment corresponding to the Dekkhan Agriculturists' Relief Act, 1879, in force in the Kolhapur State, such enactment", shall be substituted;

(*ii*) the words and brackets "with effect from the date of the coming into operation of this Act (hereinafter in this section referred to as the said date)" shall be deleted;

(*iii*) for the words "for a period of three years from the said date" the words, figures and letters "up to the 26th day of May 1950" shall be substituted;

(*iv*) for the first proviso the following proviso shall be substituted, namely:—

"Provided that any proceeding in or out of any suit instituted on or before the 26th May 1950 shall be continued and disposed of after the said date, as if the enactment corresponding to the Dekkhan Agriculturists' Relief Act, 1879, had continued in force after the said date"

Enactments.	Names of States.	Amendments.
1	2	3
The Bombay Tenancy and Agricultural Lands Act, 1948 (Bom. LXVII of 1948).	Baroda and Danta	... In column 4 of the Schedule annexed to the Act,— (*a*) in section 3A of the Bombay Tenancy Act referred to therein for the words and figures "the eighth day of November 1947" the words and figures "the first day of August 1950" shall be substituted ; (*b*) in the proviso to sub section (*1*) of section 4 of the Bombay Tenancy Act referred to therein, reference to "section 9 of the Bombay Small Holders Relief Act, 1938" shall be read as reference to "any enactment corresponding to section 9 of the Bombay Small Holders Relief Act, 1938, if any, in the State" ; (*c*) in the proviso to sub-section (*1*) of section 4 of the Bombay Tenancy Act referred to therein, for the words and figures "the eighth day of November 1946" the words and figures "the first day of August 1949" shall be substituted ; (*d*) in sub-section (2) of section 4 of the Bombay Tenancy Act referred to therein— (*1*) for the words and figures "the eighth day of November 1946" the words and figures "the first day of August 1949" shall be substituted, (2) for the words and figures "31st day of May 1947" occurring in sub-clause (*b*) (*i*) the words and figures "31st day of May 1950" shall be substituted, (3) for the words and figures "1st day of June 1947" occurring in sub-clause (*b*) (*ii*), the words and figures "1st day of June 1950" shall be substituted.
The Bombay Agricultural Debtors Relief Act, 1947 (Bom. XXVIII of 1947).	Baroda and Danta	... (1) In section 2— (*i*) in clause (2), "Co-operative Society" shall mean a society registered under any of the provisions corresponding to those contained in the Bombay Co-operative Societies Act, 1925, or a society registered under the said Act; (*ii*) in clause (5)— (*a*) for the figures, letters and word "30th January 1940" wherever they occur the figures, letters and word "1st January 1949" shall be substituted; (*b*) the words "or the establishment of the Board concerned under the repealed Act" wherever they occur, shall be deleted. (2) In section 4 for sub-section (*1*), the following shall be substituted, namely:— "(*1*) Any debtor ordinarily residing in any local area or his creditor may make an application on or before the 31st January 1950 to the Court for adjustment of his debts". (3) In section 7 for the figures, letters and word "1st January 1938", the figures, letters and word "1st January 1949" shall be substituted. (4) In section 22 the following proviso shall be added at the end, namely:— "Provided further that where any amount due to a creditor is determined by a competent tribunal or authority under any law in force in the Baroda or Danta State relating to the conciliation or adjustment of the debts of the agriculturists corresponding to this Act, the amount so determined shall be binding on the parties." (5) In section 23 in the proviso after the figures "1879" the words "or any enactment corresponding thereto" shall be inserted.

Enactments.	Names of States.	Amendments.
1	2	3
		(6) In section 24 in sub-section (2), for the figures, letters and word "1st August 1947" the figure and word, "1st February 1950" shall be substituted. (7) In section 25— (*i*) in clause (*i*), the words and figures "or by a Board established under section 4 of the repealed Act" shall be deleted, (*ii*) in clause (*ii*), for the figures, letters and words "15th day of February 1939" the figures, letters and word "1st January 1949" shall be substituted. (8) In section 32, in sub-section (2)— (*i*) for clause (*c*), the following clause shall be substituted, namely:— "(*c*) loans given by resource societies or by persons authorised to advance loans under section 54 for the financing of crops or for seasonal finance,"; (*ii*) in the Explanation, the words "under the repealed Act" and the words "under this Act;" shall be deleted. (9) In section 56, in sub-section (*1*)— (*i*) for the words and figures "the Dekkhan Agriculturists Relief Act, 1879, by the Bombay Agricultural Debtors' Relief Act, 1939, the first mentioned Act", the words "any enactment corresponding to the Dekkhan Agriculturists' Relief Act, 1879, in force in the State" shall be substituted; (*ii*) the words and brackets "with effect from the date of coming into operation of this Act (hereinafter in this section referred to as the said date)" shall be deleted; (*iii*) for the words "for a period of three years from the said date" the words, figures and letters "up to the 26th day of May 1950" shall be substituted, (*iv*) for the first proviso, the following proviso shall be substituted, namely:— "Provided that any proceeding in or out of any suit instituted on or before the 26th May 1950 shall be continued and disposed of after the said date, as if the enactment corresponding to the Dekkhan Agriculturists' Relief Act, 1879, had continued in force after the said date."
The Bombay Rents, Hotel and Lodging House Rates Control Act, 1947 (Bom. LVII of 1947).	Baroda	.. (1) For clause (10) of section 5 the following shall be substituted:— "(10) 'specified date' means— (*a*) in the case of any premises let for the purpose of residence, the first day of January 1943, and (*b*) in the case of any premises let for non-residential purposes, the first day of January 1944. (10-A) 'Standard rent' in relation to any premises let for the purpose of residence or for non-residential purpose means— (*a*) where the standard rent is fixed by the Controller under the House Rent Control Order, 1947, made by the Baroda Government, such standard rent, or (*b*) where the standard rent is not so fixed, subject to the provisions of section 11—

Enactments.	Names of States.	Amendments.
1	2	3
		(*i*) the rent at which the remises were let on the specified date, or (*ii*) where they were not let on the specified date the rent at which they were last let before that date, or (*iii*) where they were first let after the specified date, the rent at which they were first let, or (*iv*) in any of these cases specified in section 11, the rent fixed by the Court: Provided that an increase in rent made in operation immediately before the 30th day of July 1949, in accordance with the provision of the said House Rent Control Order, 1947, shall be deemed to be included in the standard rent ;". (2) In sections 7, 11 and 18 of the said Act, for the words and figures "the first day of September, 1940" wherever they occur, the words "the specified date" shall be substituted.
[1]*	* *	* * *
[2]*	* *	* * *
The Bombay Sugarcane Cess Act, 1948 (Bom. LXXXII of 1948).	Kolhapur State inclusive of Jahagirs within the limits of the said State.	For the words and figures "first day of January 1948" in section 15 of the said Act, the words and figures "first day of March 1949" shall be substituted.
The Bombay Sugarcane Cess Act, 1948 (Bom. LXXXII of 1948).	Akalkot, Aundh, Bhor, Jamkhandi, Jath, Kurundwad (Sr.), Kurundwad (Jr.), Miraj (Sr.), Miraj (Jr.), Mudhol, Phaltan, Ramdurg, Sangli, Savanur, Sawantwadi, Wadi Jagir.	In section 15, for the words and figures "first day of January 1948" the word and figures "23rd March 1948" shall be substituted.
The Bombay Sugarcane Cess Act, 1948 (Bom. LXXXII of 1948).	Janjira	In section 15, for the words and figures "first day of January 1948" the word and figures "14th April 1948" shall be substituted.
The Bombay Sugarcane Cess Act, 1948 (Bom. LXXXII of 1948).	Ambaliara, Balasinor, Bansda, Baria, Bhadorwa, Cambay, Chota-Udepur, Dharampur, Ghodasar, Idar, Ilol, Jambughoda, Jawhar, Katosan, Khadal, Lunawada, Malpur, Mansa, Mohanpur, Palanpur .. , Punadra, Radhanpur, Rajpipla (including Segbara), Ranasan, Sachin, Sanjeli, Sant, Sudasna, Surgana, Tharad, Valasna, Varsoda, Vasna, Vijayanagar, Wao.	In section 15, for the words and figures "first day of January 1948" the word and figures "28th May 1948" shall be substituted.

[1] The entry relating to the Bombay Primary Education Act, 1947 (Bom. LXI of 1947), was deleted by Bom. 46 of 1950, s. 2.

[2] All the entries relating to the Bombay Sales Tax Act, 1946, were repealed by Bom. 24 of 1952, s. 47 (*1*).

Enactments.	Names of States.	Amendments.
1	2	3
The Bombay Sugarcane Cess Act, 1948 (Bom. LXXXII of 1948.)	Danta	.. In section 15, for the words and figures "first day of January 1948" the word and figures "4th November 1948" shall be substituted.
The Bombay District Municipal Act, 1901 (Bom. III of 1901).	Baroda	.. [1][(1) After section 74, the following section shall be inserted, namely :— "74A. The State Government may at any time by order in writing withdraw any exemption from, or concession in respect of, any tax granted to any person by the Government of the former Baroda State by an order issued under the 'A' Class Municipalities Act (Baroda Act No. XII of 1949)." Power of Government to withdraw exemption or concession granted in respect of taxes. [2][(2)] In section 91A— (*i*) after sub-section (*2*), the following shall be inserted, namely :— "(*2A*) It shall be the duty of every Municipality to maintain every regular line of the public street prescribed or sanctioned by the Government of the former Baroda State at any time prior to the 30th day of July 1949 ; Provided that the Municipality may alter or cancel any such regular line if having regard to the needs of traffic— (*a*) it was before the aforesaid date classified by the Municipality, with the sanction of the Government of the former Baroda State, as unimportant, or (*b*) it is so classified by the Municipality with the sanction of the State Government within two years from the commencement of the Bombay Merged States (Laws) (Second Amendment) Act, 1951." Bom. XXXII of 1951. (*ii*) in sub-section (*3*), the following shall be added at the end, namely :— "*Explanation.*—For the purposes of this section, 'the regular line of the public street' shall include a regular line of public street prescribed or sanctioned by the Government of the former Baroda State at any time prior to the 30th day of July 1949."]

[1] This entry was inserted by Bom. 12 of 1952, s. 2 (*a*).
[2] This entry which was inserted by Bom. 32 of 1951, s. 2 (*A*), was renumbered as (2) by Bom. 12 of 1952, s. 2 (*a*).

Enactments.	Names of States.	Amendments.
1	2	3
The Bombay District Municipal Act, 1901 (Bom. III of 1901) —*contd.*	Baroda ..	[1][(3)] After section 180 of the Bombay District Municipal Act, 1901 (Bom. III of 1901), the following section shall be inserted, namely :— "180-A. (*1*) Notwithstanding anything contained in the foregoing provisions of this Act, such rules, by-laws, orders made, issued or sanctioned by or in respect of any of the Municipalities whether constituted under the A Class Municipalities Act (Baroda No. XII of 1949) or the B Class Municipalities Act (Baroda No. XIV of 1949) of the former Baroda State (hereinafter called " the said Municipalities " and " the said Baroda Municipalities Acts " respectively) as were in force immediately before the 30th day of July 1949 under the said Baroda Municipalities Acts, shall in so far as they are consistent with the provisions of the Bombay District Municipal Act, 1901 (Bom. III of 1901), shall be deemed to have been made, issued or sanctioned by or in respect of the said Municipalities under the appropriate provisions of the said Act on the said date and continue in force until altered, repealed or amended by a competent authority. (*2*) All references to the Baroda Government or to any Officer of the Baroda Government in any such rules, by-laws or orders shall be construed as references to the Government of Bombay or the corresponding officer of the Government of Bombay, as the case may be : and all licenses, permits or permission issued or given under any such rules, by-laws or orders shall also continue in force until superseded or modified by a competent authority."
[2][The Bombay Municipal Boroughs Act, 1925 (Bom. XVIII of 1925).	Baroda ..	[3][(A1) After section 4, the following section shall be inserted, namely :—
	Inclusion of certain industrial areas in Baroda Municipal area from 1st August 1949.	"4A. (*1*) Notwithstanding anything contained in this Act or the Bombay District Municipal Act, 1901 (hereinafter referred to as the District Municipal Act) the area known as the Industrial Zone to the north of the Alembic Chemical Works Co. Limited, and the area covered by the said Chemical Works, and described in Schedule IA, hereinafter referred to as the said areas, shall be deemed to have been included within the limits of the former Baroda Municipal District from the 1st day of August 1949 to the 30th day of April 1950 (both inclusive) and within the limits of the Baroda Municipal Borough with effect from the 1st day of May 1950. Bom. III of 1901.

[1] This entry was re-numbered by Bom. 12 of 1952, s. 2 (*a*).
[2] This portion was inserted by Bom. 32 of 1951, s. 2 (*B*).
[3] Entries (A1) and (A2) were inserted by Bom. 21 of 1953, s. 2.

Enactments.	Names of States.	Amendments.
1	2	3
The Bombay Municipal Boroughs Act, 1925 (Bom. XVIII of 1925)—*contd.*	Baroda ..	(2) Any appointment, notification, notice, order, scheme, licence, permission, rule, by-law or form or any tax made, issued or imposed or purported to have been made, issued or imposed and anything done or purported to have been done in respect of any such appointment, notification, notice, order, scheme, licence, permission, rule, by-law, form or tax, under the District Municipal Act or this Act, in respect of the said areas, in so far as such appointment, notification, notice, order, scheme, licence, permission, rule, by-law, form, tax or thing is not inconsistent with the provisions of the District Municipal Act or this Act, as the case may be, shall be legal and valid and shall be deemed to have been legal and valid in respect of the said areas from the dates on which it was made, issued, imposed or done, as the case may be and shall continue in force unless and until it is superseded by any other appointment notification, notice, order, scheme, licence, permission, rule, by-law, form or tax made, issued or imposed or anything done under this Act." [1](A2) After Schedule I, the following Schedule shall be inserted, namely:— " SCHEDULE IA. Beginning from the East-South corner of Survey No. 104 of the Subhanpura village and going along the northern boundary of Survey Nos. 105, 102, 106, 149, 150, 156/1 and 157, then crossing the road and starting from the South-West corner of Survey No. 94, going in North along the village site boundaries of the village Subhanpura up to Survey No. 92 and going through Survey Nos. 1107, 1108, 1109, 1116, 1117, 1118, 1123, 1168, 22, 21, 17 and 18 of the Gorwa village then turning to East and going through Survey Nos. 19 and 20, then crossing the road going along the Gorwa village site boundary up to South-East corner then crossing the road and turning North and going in the North along the western boundary of the road passing by the Gorwa village site, then passing through Survey Nos. 1, 2, 626, 627, 628 and 624 up to the Northern end of the Industrial area, then turning East and coming up to the North-West corner of Survey No. 624 in the Industrial area and then walking along the northern limit of the road and then passing through Survey

[1] Entries (A1) and (A2) were inserted by Bom. 21 of 1953, s. 2.

Enactments.	Names of States.	Amendments.
1	2	3
The Bombay Municipal Boroughs Act, 1925 (Bom. XVIII of 1925).—*contd.*	Baroda	Nos. 624 and 628, crossing the road and passing through Survey Nos. 700, 699, 698, 694, 695, 760, 761, 759, 758, 766, 767, 754 and 768 up to the North-East corner of the Industrial zone in Survey No. 769, then turning South and going along the eastern boundary of Survey Nos. 753, 752, 751, 1014/1, 1013, 1011/1, 1010/1, 1009, 1007/1-2, 1006, 1005/1-2, 1004, 1003/1, 1001, 1000 and 999 and then walking along the Railway siding of the Alembic Chemical Works up to its junction with the main lines, then turning to the West and reaching the southern boundary of Survey No. 984 of Gorwa village and walking along the eastern boundary of Survey Nos. 627, 626, 625 and 624 up to its South-East corner and then turning West and walking along its southern boundary and reaching South-West corner of Survey No. 623 and then turning towards North along the boundaries of Survey Nos. 623 and 622 and then crossing the road and reaching the South-East corner of Survey No. 1084 of Gorwa village and turning to the West along the southern boundaries of Survey Nos. 1084, 1085, 1088, 1091 and 1092 reaching to the main road of the Industrial zone."]
		[1](1) After section 103, the following section shall be inserted, namely :—
	Power of Government to withdraw exemption or concession granted in respect of taxes.	"103A. The State Government may at any time by order in writing withdraw any exemption from, or any concession in respect of, any tax granted to any person by the Government of the former Baroda State by an order issued under the 'A' Class Municipalities Act (Baroda Act No. XII of 1949)."]
		[2][(2)] In section 118,—
		(*i*) after sub-section (2) the following shall be inserted, namely :—
		"(*2A*) It shall be the duty of every municipality to maintain every regular line of the public street prescribed or sanctioned by the Government of the former Baroda State at any time prior to the 30th day of July 1949 : "

[1] This entry was inserted by Bom. 12 of 1952, s. 2 (*b*).
[2] The brackets and figure "(2)" were inserted, *ibid.*

Enactments.	Names of States.		Amendments.
1	2		3
The Bombay Municipal Boroughs Act, 1925 (Bom. XVIII of 1925)—*contd.*	Baroda.		Provided that the municipality may alter or cancel any such regular line if having regard to the needs of traffic— (*a*) it was before the aforesaid date classified by the municipality with the sanction of the Government of the former Baroda State, as unimportant, or (*b*) it is so classified by the municipality with the sanction of the State Government within two years from the commencement of the Bombay Merged States (Laws) (Second Amendment) Act, 1951." (*ii*) in sub-section (*3*), the following shall be added at the end, namely :— "*Explanation.*—For the purposes of this section, 'the regular line of the public street' shall include a regular line of public street prescribed or sanctioned by the Government of the former Baroda State at any time prior to the 30th day of July 1949".]
		Bom. XXXII of 1951.	
[1][The Bombay Medical Practitioners' Act, 1938 (Bom. XXVI of 1938).	All merged States	..	In sub-section (*3*) of section 1, the following proviso shall be added at the end, namely :— "Provided that in all merged States, Part III shall come into force on such date as may be specified by the State Government by notification in the *Official Gazette* in this behalf, notwithstanding the fact that the aforesaid period of two years or five years, as the case may be, may not have expired from the date on which Parts I and II may have come into force in any area forming part of the said States."]
[2][The Bombay Medical Act, 1912 (Bom. VI of 1912).	All merged States	..	After section 8, the following new section shall be inserted, namely :— "8A. Notwithstanding anything contained in section 7, every person— Registration of medical practitioners registered in merged States. (*a*) whose name, immediately before the date of merger of the State with the State of Bombay, stood registered as a medical practitioner in the register of medical practitioners maintained under any law for the time being in force in the merged State ; and (*b*) who holds any of the qualifications specified in the Schedule to the Indian Medical Council Act, 1933, or this Act, shall be deemed to be a medical practitioner registered under this Act.
		XXVII of 1933.	

[1] This entry was added by Bom. 44 of 1950, s. 2.
[2] These entries were added by Bom. 21 of 1951, s. 2.

Enactments.	Names of States.	Amendments.
1	2	3
The Bombay Medical Act, 1912 (Bom. VI of 1912)—*contd.*	All merged States	(2) If any question arises whether any person is deemed to be a registered medical practitioner under sub-section (*1*), the matter shall be referred to the Surgeon General with the Government of Bombay for decision and his decision shall be final.''
The Bombay Medical Practitioners' Act, 1938 (Bom. XXVI of 1938).	All merged States .. Registration of persons registered in merged States.	(*1*) After section 17, the following new section shall be inserted, namely:— ''17A. (*1*) Notwithstanding anything contained in section 16, every practitioner, whose name immediately before the date of merger of the State with the State of Bombay, stood registered as a practitioner in the register of practitioners maintained under any law for the time being in force in the merged State corresponding to this Act shall be deemed to be a practitioner registered under this Act. (*2*) If any question arises whether any person is deemed to be a registered practitioner under sub-section (*1*), the matter shall be referred to the Surgeon General with the Government of Bombay for decision and his decision shall be final.''
	Registration of other persons registered in merged States.	(*2*) After section 18, the following new section shall be inserted, namely:— ''18-1A. (*1*) Any person other than the one specified in section 8A of the Bombay Medical Act, 1912, or section 17A of this Act, whose name immediately before the date of the merger of the State with the State of Bombay stood registered in the register maintained under any law for the time being in force corresponding to either of the aforesaid Acts shall be entered in the list. (*2*) If any question arises whether a person is entitled to have his name entered in the list under sub-section (*1*), the matter shall be referred to the Surgeon General with the Government of Bombay for decision and his decision shall be final.''] Bom. VI of 1912.
[1][The Bombay Local Boards Act, 1923 (Bom. VI of 1923).	All merged States ..	To section 93, the following sub-section shall be added, namely:— ''(*3*) Notwithstanding anything contained in sub-section (*1*), the State Government may, having regard to the standard rate of assessment in any area, by notification in the *Official Gazette* direct that no cess shall be levied in such area for such period or that the cess shall be levied in such area for such period at such lower rate, as may be specified in the notification''.]

[1] This entry was added by Bom. 49 of 1953, s. 2.

FOURTH SCHEDULE.

1. The Agricultural Banks Act, 1924 (Baroda Act XVIII of 1924).
2. The Caste Tyranny Removal Act, 1933 (Baroda Act LV of 1933).
3. The Kolhapur Hill Station Act, 1945 (Kolhapur Act LXII of 1945).
4. The Sawantwadi Prevention of Malaria Act, 1947.

FIFTH SCHEDULE.

I Enactments.	II Names of States.
The Government Loan Rules, 1931	Baroda.
The Watan Rules, 1932	Baroda.
[1]* * * * *	*
The Hindu Act, 1937 (XXXVII of 1937)	Baroda.
The Maharaja Sayajirao University of Baroda Act, 1949 (XVII of 1949) as amended by the Baroda State (Application of Laws) Order, 1949.	Baroda.
The Okha Port Rules	Baroda.
The Rules (Digest) of Hindu Law, 1920	Kolhapur.

[1] The entry relating to the Dabhel Simlak Madressa Act, 1941 (II of 1941) was repealed by Bom. 45 of 1955, s. 2 (*I*).

BOMBAY ACT No. V OF 1950.[1]

[THE BOMBAY MEDICAL PRACTITIONERS' (AMENDMENT) ACT, 1950.]

[*1st April 1950*]

An Act to amend the Bombay Medical Practitioners' Act, 1938.

Bom. XXVI of 1938.

WHEREAS it is expedient to amend the Bombay Medical Practitioners' Act, 1938, for the purposes hereinafter appearing; It is hereby enacted as follows:—

Short title.

1. This Act may be called the Bombay Medical Practitioners' (Amendment) Act, 1950.

2-11. [*The amendments made by sections 2-11 (both inclusive) have been incorporated in the principal Act.*]

Construction of references in enactments, rules, regulations, orders, etc.

12. References in any enactment, rule, regulation, order, notification, by-law, application or instrument in force on the day immediately before the coming into force of this Act to " the Board of Indian Systems of Medicine, Bombay " and to " the Faculty of Indian Systems of Medicine, Bombay " shall respectively be construed as references to " the Board of Ayurvedic and Unani Tibbi Systems of Medicine, Bombay " and to " the Faculty of Ayurvedic and Unani Tibbi Systems of Medicine, Bombay "

Suits and proceedings.

13. If at the commencement of this Act any legal proceedings are pending to which the Board of Indian Systems of Medicine, Bombay, or the Faculty of Indian Systems of Medicine, Bombay, is a party, the Board of Ayurvedic and Unani Tibbi Systems of Medicine, Bombay, and the Faculty of Ayurvedic and Unani Tibbi Systems of Medicine, Bombay, shall, respectively, be deemed to be substituted therefor.

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1950, Part V, page 53.

AXB Bk H 2108—80

THE BOMBAY KHOTI ABOLITION ACT, 1949.

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PREAMBLE.

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SCHEDULE.

AXB Bk H 2108—30a

[1]BOMBAY ACT No. VI OF 1950.[1]

[THE BOMBAY KHOTI ABOLITION ACT, 1949.]

[*3rd April 1950*]

Amended by Bom. 18 of 1950.
,, ,, ,, 3 of 1952.
,, ,, ,, 38 of 1953.
,, ,, ,, 65 of 1953.

An Act to abolish the khoti tenure in the [2][State of Bombay].

WHEREAS it is expedient to abolish the khoti tenure prevailing in the districts of Ratnagiri and Kolaba in the [2][State of Bombay] and to provide for certain consequential and incidental matters hereinafter appearing; It is here by enacted as follows :—

Short title, extent and commencement.

1. (*1*) This Act may be called the Bombay Khoti Abolition Act, 1949.

(*2*) It extends to the districts of Ratnagiri and Kolaba as constituted immediately before the thirtieth day of July 1948.

(*3*) It shall come into force on such date as the [3][State Government] may, by notification in the *Official Gazette*, specify..

Definitions.

2. (*1*) In this Act unless there is anything repugnant in the subject or context, —

(*i*) " Code " means the Bombay Land Revenue Code, 1879 ; Bom. V of 1879.

[4][(*ia*) " Collector " includes an officer appointed by the State Government to perform the functions and exercise the powers of the Collector under this Act ;

(*ii*) " dhara land " means land held by a dharekari and in the Ratnagiri district includes land held by a quasidharekari ;

(*iii*) " dharekari " means a landholder who holds land on the dhara tenure ;

(*iv*) " khot " includes—

(*a*) a mortgagee lawfully in possession of a khotki ;

(*b*) all co-sharers in a khotki ;

(*v*) " Khoti Act " means the Khoti Settlement Act, 1880 ; Bom. I of 1880.

(*vi*) " khot's dues " means,—

(*a*) the rent paid to a khot by a quasidharekari or permanent tenant of khoti land in the district of Ratnagiri, in accordance with the provisions of section 33 of the Khoti Act, and

(*b*) the khoti fayda paid by any tenant of the Khoti nisbat land in the district of Kolaba, in accordance with the terms of the Kabulayat or in accordance with the orders passed under section 38 of the Khots Leases Act, 1865, Bom. I of 1865.

exclusive of the survey assessment due to the [3][State Government] and the cess leviable under section 93 of the Bombay Local Boards Act, 1923, in respect of such land ; Bom. VI of 1923.

(*vii*) " khoti khasgi land " means,—

(*a*) in the Ratnagiri District khoti land held by and in possession of a khot other than khoti nisbat land and land held by a privileged occupant as defined in the Khoti Act ;

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1949, Part V, pp. 205–206.
[2] These words were substituted for the words " Province of Bombay " by Bom. 18 of 1950, s. 2 (*i*).
[3] These words were substituted for the words " Provincial Government", *ibid*, s. 2 (*ii*).
[4] Clause (*i-a*) was inserted by Bom. 38 of 1953, s. 3 and Second Schedule.

(*b*) in the Kolaba District,—

(*i*) land which is entered in the khot's own name as khoti [1]* or in that of a co-sharer in a khotki in the records of the original survey ; and

(*ii*) land acquired since the original survey by the khot by purchase or other lawful transfer otherwise than in his capacity as a khot ;

(*viii*) " khoti land " means land in respect of which a khot had, as such, any right or interest in the district of Ratnagiri according to the provisions of the Khoti Act and in the district of Kolaba according to the custom of the tenure ;

(*ix*) " khoti nisbat land " means,—

(*a*) in the district of Ratnagiri land which in a khoti village before the coming into force of this Act has reverted to the khot under section 10 of the Khoti Act [2][and includes also lands entered as khoti nisbat in the revenue records or the records of the khot before the passing of the Khoti Act] ;

(*b*) in the district of Kolaba,—

(*i*) land in a khoti village which may have come into the possession of the khot by lapse for failure of heirs of a tenant or by forfeiture on the tenant's failure to pay rent or by the resignation of the tenant ;

(*ii*) land which may have been entered at the original survey in the khoti nisbat padit khata and since brought into cultivation otherwise than at the khot's own expenses ;

(*x*) " khoti village " means a village, or a portion or share of a village, to the extent to which a khot has any right or interest in such village, or portion or share thereof ;

(*xi*) " permanent tenant " means a holder of khoti land who has a permanent tenancy in such land ;

(*xii*) " quasidharekari " means a landholder of any of the denominations, named in the first column of the Schedule to the Khoti Act.

(*2*) Any word or expression which is defined in the Code and not defined in this Act shall be deemed to have the meaning given to it by the Code.

(*3*) References in this Act to the provisions of the Khoti Act and the incidents of the khoti tenure shall, notwithstanding the repeal of the said Act and the abolition of the said tenure by this Act, be construed as references to the said provisions and incidents as they were in force immediately before this Act comes into force.

Abolition of khoti tenure.

3. With effect from and on the date on which this Act comes into force,—

(*1*) the khoti tenure shall, wherever it prevails in the districts of Ratnagiri and Kolaba, be deemed to have been abolished ; and

(*2*) save as expressly provided by this Act, all the incidents of the said tenure shall be deemed to have been extinguished, notwithstanding any law, custom, or usage or anything contained in any sanad, grant, kabulayat, lease, decree or order of any court or any other instrument.

Khot, dharekari and tenants to be occupants.

4. (*1*) (*a*) In the case of khoti khasgi land, the khot ;

(*b*) in the case of a dhara land, the dharekari or quasidharekari ;

(*c*) in the case of land held by a permanent tenant, the permanent tenant ;

(*d*) (*i*) in the case of khoti nisbat land, any tenant in possession of the land ; and

[1] The word " khasgi " was deleted by Bom. 38 of 1953, s. 3 and Second Schedule.

[2] This portion was added by Bom. 65 of 1953, s. 2. This amendment shall be deemed to have been made and come into force on the date on which Bom. 6 of 1950 came into force (*vide* s. 3 of Bom. 65 of 1953).

(*ii*) if there be no tenant in possession of such land, the khot;

shall be primarily liable to the [1][State Government] for the payment of land revenue due in respect of such land held by him and shall be entitled to all the rights and shall be liable to all the obligations in respect of such land as an occupant under the Code or any other law for the time being in force :

Provided that in the district of Ratnagiri, in the case of a tenant (other than a permanent tenant) in the possession of khoti nisbat land, such tenant shall be entitled to the rights of an occupant on payment to the khot of the occupancy price equivalent to six multiples of the survey assessment fixed on the land :

Provided further that in the district of Kolaba, in the case of a tenant (other than a permanent tenant) in the possession of khoti nisbat land such tenant, and in the case of a khot in respect of khoti nisbat land in his actual possession such khot, shall be entitled to the rights of an occupant on payment to the [1][State Government] of the occupancy price equivalent to six multiples of the survey assessment fixed on the land.

(*2*) The occupancy price payable under this section shall be in addition to the amount of the commuted value payable by any person under section 5.

(*3*) With effect from the date on which this Act comes into force, the land in respect of which any person is entitled to the rights of an occupant under sub-section (*1*), shall be free from the liability for the payment of khot's dues in respect thereof, and all rights of a khot in his capacity as a khot in such land shall be deemed to have been extinguished.

(*4*) Nothing in sub-section (*3*) shall in any way affect the liability of any person to pay in respect of the land in is possession the amount of the khot's dues for the current year ending on the 31st day of July 1950 and the amount of the arrears of such dues for any previous year in respect of the said land.

Commutation of khot's du

5. (*1*) A quasidharekari or a permanent tenant or a tenant of khoti nisbat land shall be liable to pay the commuted value of the khot's dues which were payable by him immediately before the coming into force of this Act in respect of the land held by him. Such commuted value shall be estimated and paid in the manner prescribed in sub-sections (*2*) and (*3*).

(*2*) The Mamlatdar shall give notice in the prescribed manner to the persons referred to in sub-section (*1*) and the khot, and after holding a formal inquiry shall be determine the amount of the commuted value of the khot's dues :

Provided that the amount of cummuted value shall not exceed three times the amount of the khot's dues, if payable in cash or three times the value of such dues if payable in kind, subject to the maximum of a sum equal to six times the survey assessment of the land, or if the khot's dues are payable in crop share, three times the commuted value of such dues reckoned in the manner provided for in sub-section (*3*).

(*3*) In estimating the commuted value of the khot's dues payable in crop-share, a third crop-share shall be held as equivalent to two multiples of survey assessment fixed on the land and any other crop-share as a proportional multiple of such assessment :

Provided that the commuted value of the produce payable on any warkas land actually used for the purpose of rab manure in connection with rice cultivation shall be held as equivalent to one survey assessment of such land.

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[1]These words were substituted for the words " Provincial Government " by Bom. 18 of 1950, s. 2 (*ii*).

Occupancy price or commutation value recoverable as arrears of land revenue.

6. The amount of the occupancy price payable under section 4 and the amount of the commutation value payable under section 5, if not deposited with the Mamlatdar or paid to the khot, in accordance with the directions within the period specified in the direction, shall be recoverable as arrears of land revenue. The amount deposited or recovered shall be paid to the khot or credited to [1][Government] as the case may be.

Khot to hand over accounts etc. to authorised Officer.

7. (*1*) Whenever an officer authorised by the [2][State Government] in this behalf so directs, a khot shall produce before him or such other officer as may be specified in the direction accounts and other records relating to the khoti village kept by him in the Ratnagiri district under the provisions of the Khoti Act and in the Kolaba district under the terms of the kabulayat.

(*2*) If the a khot fails without reasonable cause to deliver any such accounts or records, he shall, on conviction, be punished with fine which may extend to Rs. 200. In the case of a continuing failure to deliver any such accounts or records, the khot shall be punished with an additional fine which may extend to Rs. 25 for every day during which such failure continues after conviction for the first such failure.

Uncultivated and waste lands and all property of the nature specified in section 37 of the Code vests in [1][Government].

8. For the removal of doubt, it is hereby declared that all uncultivated and waste lands in a khoti village not appropriated by any khot and not entered into the revenue or survey records as khoti khasgi before the date on which this Act comes into force, and all other kinds of property referred to in section 37 of the Code, situate in a khoti village, which are not the property of the individuals or of any aggregate of persons legally capable of holding property and except in so far as any rights of such persons may be established in or over the same and except as may be otherwise provided in any law for the time being in force, are together with all rights in or over the same or appertaining thereto, the property of [1][Government] and it shall be fawful to dispose of or set apart the same for the authority in the manner and for the purpose provided in section 37 or 38 of the Code, as the case may be.

Extinction of khot's right of reversion

9. From the date on which this Act comes into force a khot shall not be entitled to acquire any right in any khoti land by right of reversion.

Explanation.—For the purposes of this section, the right of reversion shall mean a right by which a khot was entitled to acquire lands held by a privileged occupant under section 10 of the Khoti Act or dhara or khoti nisbat land in the district of Kolaba according to the custom of the tenure.

Right to trees.

10. The rights to trees specially reserved under the Indian Forest Act, 1927, or any other law for the time being in force except those the ownership or which has been transferred by [1][Government] under any contract, grant or law for the time being in force shall vest in [1][Government]. XVI of 1927.

Application of the Code to lands in khoti village.

11. Save as otherwise expressly provided in this Act, the provisions of the Code shall apply to lands in a khoti village.

Method of compensation for the extinguishment or modification of any rights in land.

12. (*1*) If a khot or any other person is aggrieved by any of the provisions of this Act as extinguishing or modifying any of his rights in land and if such person proves that such extinguishment or modification amounts to transference to public ownership of any land or any right in or over such land, such person may apply to the Collector for compensation.

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[1] This word was substituted for the words " the Crown " by Bom. 18 of 1950, s. 2 (*iii*).

[2] These words were substituted for the words " Provincial Government " *ibid*, s. 2 (*ii*).

(*2*) Such application shall be made in the form prescribed by rules made under this Act [1][on or before the 31st day of March 1952].

(*3*) The Collector shall after holding a formal inquiry in the manner provided by the Code award such compensation as he deems reasonable and adequate :

Provided that—

(*a*) the amount of compensation for the extinguishment of the right of reversion in lands in a khoti village in the district of Ratnagiri shall not exceed the amount calculated at the rate of Rs. 2 per 100 acres of such land ;

(*b*) the amount of compensation for the extinguishment of any right to appropriate any uncultivated and waste lands not appropriated by any khot and not entered in the revenue or survey records as khoti khasgi immediately before the 1st day of August 1949, shall not exceed the amount calculated at the rate of Rs. 5 per 100 acres of such land :

Provided further that in the case of the extinguishment or modification of any other right of a khot or any right of any other person the Collector shall be guided by the provisions of sub-section (*1*) of section 23 and section 24 of the Land Acquisition Act, 1894 :

I of 1894.

Provided also that if any question arises whether any land is dhara, khoti khasgi or khoti nisbat or is held by a permanent tenant or other tenant, the Collector shall after holding a formal inquiry in the manner provided by the Code decide the question.

(*4*) Subject to the provisions of sub-section (*5*), the award or decision of the Collector shall be final.

(*5*) Any person aggrieved by the award or decision of the Collector may appeal to the Bombay Revenue Tribunal constituted under the Bombay Revenue Tribunal Act, 1939.

Bom. XII of 1939.

(*6*) In deciding appeals under sub-section (*5*), the Bombay Revenue Tribunal shall exercise all the powers which a Court has and follow the same procedure which a Court follows in deciding appeals from the decree or order of an original Court under the Code of Civil Procedure, 1908.

V of 1908.

13. Every appeal made under this Act to the Bombay Revenue Tribunal shall be filed within a period of sixty days from the date of the award of the Collector. The provisions of sections 4, 5, 12 and 14 of the Indian Limitation Act, 1908, shall apply to the filing of such appeal. Limitation.

IX of 1908.

14. Notwithstanding anything contained in the Court-fees Act, 1870, every appeal made under this Act to the Bombay Revenue Tribunal shall bear a court-fee stamp of such value as may be prescribed. Court-fees.

VII of 1870.

15. Nothing in this Act shall in any way be deemed to affect the application of any of the provisions of the Bombay Tenancy and Agricultural Lands Act, 1948, to any of the khoti lands or the mutual rights and obligations of a khot and his tenants, save in so far as the said provisions are not in any way inconsistent with the express provisions of this Act. Provisions of Bom. LXVII of 1948 to govern the relations of khot and tenants.

Bom. LXVII of 1948.

16. The [2][State Government] may make rules for the purpose of carrying out the provisions of this Act. Such rules shall be subject to the condition of previous publication and shall, when finally made, be published in the *Official Gazette*. Rules.

[1] These words, figures and letters were substituted for the words " within six months from the date on which this Act comes into force " by Bom. 3 of 1952, s. 2 Schedule.

[2] These words were substituted for the words " Provincial Government " by Bom. 18 of 1950, s. 2 (*ii*).

Repeal.

17. The enactments specified in the schedule are hereby repealed to the extent specified in column 4 thereof :

Provided that the repeal of the said enactments and the provision declaring any incident of the khoti tenure to have been extinguished shall not in any way affect any legal proceeding pending at the date of the commencement of this Act and such legal proceeding shall be continued and finally disposed of as if this Act had not been passed.

SCHEDULE.

(*See* section 17.)

Year.	No.	Short title.	Extent of repeal.
1	2	3	4
1865	I	The Khots Leases Act, 1865	Sections 37 and 38.
1879	V	The Bombay Land Revenue Code, 1879 ..	Section 114.
1880	I	The Khoti Settlement Act, 1880	The whole.

THE BOMBAY MUNICIPAL (EXTENSION OF LIMITS) ACT, 1950.

CONTENTS.

PREAMBLE.

CHAPTER I.

PRELIMINARY.

SECTIONS.

1. Short title and commencement.
2. Abolition of Municipalities and other local Authorities.

CHAPTER II.

AMENDMENTS OF BOMBAY ACT III OF 1888.

3-34. Amendments of Bombay Act III of 1888.
35. Continuation of references to City of Bombay Municipal Act, 1888, in other enactments, etc.
36. Certain Acts to cease to apply to suburbs.

SCHEDULE I.

SCHEDULE II.

BOMBAY ACT No. VII OF 1950.[1]

[THE BOMBAY MUNICIPAL (EXTENSION OF LIMITS) ACT, 1950.]

[*3rd April 1950*]

An Act to extend the limits of the area subject to the authority of the Municipal Corporation of the City of Bombay and other Municipal authorities charged with carrying out the municipal government of the City of Bombay.

WHEREAS for the purpose of ensuring more suitable and efficient municipal government of the City of Bombay and its suburbs it is necessary and expedient to extend the limits of the Municipal Corporation of the City of Bombay and other municipal authorities charged with carrying out the municipal government of the City of Bombay ; It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

Short title and commencement.

1. (*1*) This Act may be called the Bombay Municipal (Extension of Limits) Act, 1950.

(*2*) It shall come into force on such date (hereinafter referred to as the appointed date), as the State Government may, by notification in the *Official Gazette*, appoint in this behalf.

Abolition of Municipalities and other local authorities.

2. Notwithstanding any law for the time being in force, all municipalities and other local authorities specified in Schedule I appended to this Act, are hereby abolished and the areas specified in Schedule II appended to this Act are hereby included within and shall form part of the areas subject to the authority of the municipal authorities constituted under the City of Bombay Municipal Act, 1888.

Bom. III of 1888.

CHAPTER II.

AMENDMENTS OF BOMBAY ACT III OF 1888.

3-34. [*The amendments made by sections 3-34 (both inclusive) have been incorporated in the City of Bombay Municipal Act, 1888 (Bom. III of 1888).*]

Continuation of references to City of Bombay Municipal Act, 1888, in other enactments, etc.

35. Unless there is anything contrary in the subject or context, references to the [2]said Act in any enactment, rule, regulation, bye-laws, notification, order or any instrument shall be construed as references to the Bombay Municipal Corporation Act.

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1950, Pt. V, pp. 35-38.

[2] The words "said Act" refer to the City of Bombay Municipal Act, 1888.

Certain Acts to cease to apply to suburbs.

36. Save as expressly provided by the provisions of this Act, the provisions of the Bombay District Municipal Act, 1901, the Bombay Municipal Boroughs Act, 1925, the Bombay Local Boards Act, 1923, the Bombay Village Panchayats Act, 1933, and the Bombay Primary Education Act, 1947, shall cease to apply to the areas specified in Schedule II appended to this Act : III of 1901. Bom. XVIII of 1925. Bom. VI of 1923. Bom. VI of 1933 Bom. LXI of 1947.

Provided that save as expressly provided by this Act, the provisions of section 6 of the Bombay General Clauses Act, 1904, shall apply to the said enactments as if they were, in their application to the said areas, repealed by this Act. Bom I of 1904.

SCHEDULE I.

(Section 2.)

1. The Bandra Borough Municipality.
2. The Parle-Andheri Borough Municipality.
3. The Ghatkopar-Kirol Borough Municipality.
4. The Kurla Borough Municipality.
5. The Juhu Municipality.
6. The Varsova Village (Proper) Panchayat.
7. The Varsova Beach Village Panchayat.
8. The Chembur Village Panchayat.
9. The District Local Board, Bombay Suburban District.
10. The District School Board, Bombay Suburban District.
11. The Bhandup Village Panchayat.

SCHEDULE II.

(Section 2.)

PART A.

1. The limits of the municipal boroughs of Bandra, Parle-Andheri, Kurla and Ghatkopar-Kirol and the municipal district of Juhu.

2. The undermentioned 28 villages of the Bombay Suburban District :—

1. Bandivali.	11. Man Budruk.	21. Mohili.
2. Chembur.	12. Mulgaon.	22. Maravali.
3. Vadawli.	13. Vesava.	23. Mogre.
4. Ambivali.	14. Madh.	24. Shahar.
5. Chakala.	15. Devnar.	25. Nanala.
6. Trombay.	16. Borle.	26. Saki.
7. Bapnala.	17. Mahul.	27. Asalpe (Asap).
8. Brahmanwada.	18. Anik.	28. Kondivate.
9. Mandala.	19. Kole-Kalyan.	
10. Mankhurd.	20. Marol.	

PART B.

The undermentioned villages of the Bombay Suburban District :—

1. Bandup.
2. Chendavli.
3. Hariali.
4. Kanjur.
5. Kopri (near Pawai).
6. Majas [as constituted by section 4A of the Greater Bombay Laws and the Bombay High Court (Declaration of Limits) Act, 1945].
7. Oshivra.
8. Parajapur [as constituted by section 4A of the Greater Bombay Laws and the Bombay High Court (Declaration of Limits) Act, 1945].
9. Paspoli.
10. Pawai.
11. Tirandaj.
12. Tungve.
13. Vikhroli.
14. Vyaroli.

BOMBAY ACT No. VIII OF 1950.[1]

[THE GREATER BOMBAY LAWS AND THE BOMBAY HIGH COURT (DECLARATION OF LIMITS) (AMENDMENT) ACT, 1950.]

[*3rd April 1950*]

An Act to amend the Greater Bombay Laws and the Bombay High Court (Declaration of Limits) Act, 1945.

WHEREAS steps are being taken to extend the limits of the area subject to the authority of the Municipal Corporation of the City of Bombay and other municipal authorities charged with carrying out the municipal government of the City of Bombay to Greater Bombay;

AND WHEREAS it is expedient to extend the limits of Greater Bombay so as to include therein certain areas;

AND WHEREAS it is necessary and expedient to amend the Greater Bombay Laws and the Bombay High Court (Declaration of Limits) Act, 1945, for the said purpose;

Bom. XVII of 1945.

It is hereby enacted as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Greater Bombay Laws and the Bombay High Court (Declaration of Limits) (Amendment) Act, 1950.

(*2*) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint in this behalf.

2-6. [*The amendments made by sections 2-6 have been incorporated in the Greater Bombay Laws and the Bombay High Court (Declaration of Limits) Act, 1945 (Bom. XVII of 1945).*]

Pending proceedings.

7. Notwithstanding anything contained in the foregoing provisions of this Act and the inclusion of the areas specified in Part III of Schedule A to the said Act in Greater Bombay but save as expressly provided by the provisions of the Bombay Municipal (Extension of Limits) Act, 1950—

Bom. VII of 1950.

(*1*) all proceedings pending immediately before the date on which this Act comes into force, in any civil or criminal court, or before any tribunal, public authority, or officer, shall be continued in that court, or before that tribunal, authority or officer as if this Act had not been passed and that court, tribunal, officer or authority shall have for the purposes of the said proceedings, all jurisdiction and powers which it or he had immediately before the day on which this Act comes into force;

(*2*) an appeal or application for revision in respect of any proceedings so pending in any court or before any tribunal, authority or officer shall be to the court, tribunal, officer or authority which would have appellate or revisional jurisdiction, as the case may be, and that court, tribunal, authority or officer,

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1950, Part V, pp. 49-50

shall entertain and dispose of the appeal or application as if the proceedings were instituted in that court or before that tribunal, authority or officer before the day on which this Act comes into force ;

(*3*) all applications for the execution or enforcement of a decree or order of any court, tribunal, authority or officer passed immediately before the day on which this Act comes into force and all other applications arising out of such decree or order shall be made to and disposed of by such court, tribunal, authority or officer, as if this Act had not been passed :

Provided that if in consequence of this Act, any such court, tribunal, authority or officer has been superseded or has ceased to exist, such proceeding or any appeal or revisional application or any other applications in such proceeding shall lie to or be disposed of by such authority as the State Government directs.

8-11. [*The amendments made by sections 8-11 have been incorporated in the Greater Bombay Laws and the Bombay High Court (Declaration of Limits) Act, 1945 (Bom. XVII of 1945).*]

THE BOMBAY PROHIBITION OF SIMULTANEOUS MEMBERSHIP ACT, 1950.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.
2. Prohibition of simultaneous membership.
3. Filling up of seat becoming vacant under section 2.

MO-V Bk H 2108—31*a*

BOMBAY ACT No. X OF 1950.[1]

[THE BOMBAY PROHIBITION OF SIMULTANEOUS MEMBERSHIP ACT, 1950.]

[*25th April 1950*]

An Act to provide for the vacation by a person who is chosen a member of both the Bombay Legislative Assembly and the Bombay Legislative Council of his seat in one House or the other.

WHEREAS it is necessary to provide, in accordance with Article 190 of the Constitution of India, for the vacation by a person who is chosen a member of both the Bombay Legislative Assembly and the Bombay Legislative Council of his seat in one House or the other and for certain other purpose ; It is hereby enacted as follows :—

1. This Act may be called the Bombay Prohibition of Simultaneous Membership Act, 1950. Short title.

2. (*1*) Any person who is chosen a member of both the Houses of the Legislature of the State of Bombay and who has not taken his seat in any of the Houses may by notice in writing given in the manner and within the period prescribed in sub-section (*2*) intimate in which of the Houses he wishes to serve and any choice so intimated shall be conclusive and his seat in the House in which he does not wish to serve shall thereupon become vacant. If no such intimation is given the seat of such person in the Legislative Assembly shall become vacant. Prohibition of simultaneous membership.

(*2*) The notice in writing under sub-section (*1*) shall be signed by such person and delivered to the Speaker of the Legislative Assembly and the Chairman of the Legislative Council or to the person authorised by the Speaker and the Chairman, in this behalf within ten days from the date of publication in the *Official Gazette* of the declarations that he has been so chosen or, if such publications have been made on different dates, within ten days from the later of such dates, as the case may be.

(*3*) If a person who is already a member of the Legislative Assembly and has taken his seat in such Assembly is chosen a member of the Legislative Council, his seat in the Assembly shall, on the publication in the *Official Gazette* of the declaration that he has been so chosen, become vacant.

(*4*) If a person who is already a member of the Legislative Council and has taken his seat in such Council is chosen a member of the Legislative Assembly, his seat in the Council shall, on the publication in the *Official Gazette* of the declaration that he has been so chosen, become vacant.

3. Where the seat of a person either in the Legislative Council or the Legislative Assembly becomes vacant under sub-section (*1*) of section 2 the Returning Officer of the constituency concerned which has elected the candidate whose seat has become so vacant shall as soon as practicable declare elected the candidate to whom the next largest number of votes had been given in the election as if the person whose seat has become vacant had not contested that election. Filling up of seat becoming vacant under section 2.

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1950, Part V, p. 142.

BOMBAY ACT No. XV OF 1950.

[THE BOMBAY BUILDING (CONTROL ON ERECTION) (AMENDMENT) ACT, 1950.]

[*2nd May 1950*]

An Act to amend the Bombay Building (Control on Erection) Act, 1948.

Bom. XXXI of 48.

WHEREAS it is expedient to amend the Bombay Building (Control on Erection) Act, 1948, for the purposes hereinafter appearing ; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Bombay Building (Control on Erection) (Amendment) Act, 1950.

2-5. [*The amendments made by sections 2–5 (both inclusive) have been incorporated in the principal Act.*]

Savings.

6. The amendments made in the said Act by this Act shall not affect—

(*1*) any right, obligation or liability already acquired, accrued or incurred before the commencement of this Act, or

(*2*) any penalty, forfeiture or punishment incurred in respect of any offence committed before the commencement of this Act, or

(*3*) any legal proceeding or remedy in respect of any such right, obligation liability, penalty, forfeiture or punishment or anything done or suffered before the commencement of this Act,

and any such legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if this Act had not been passed.

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1950, Part V, pp. 176–177.

BOMBAY ACT No. XVII OF 1950.[1]

[THE BOMBAY LOCAL AUTHORITIES ADULT FRANCHISE AND REMOVAL OF RESERVATION OF SEATS ACT, 1950.]

[*2nd May 1950*]

An Act to provide for adult franchise in elections to, and for the removal of reservation of seats except for women, Scheduled Castes and Scheduled Tribes in, local authorities in the State of Bombay.

WHEREAS it is expedient to provide for adult franchise in elections to local authorities and to remove the reservation of seats for certain classes ;

Bom. III of 1901. Bom. VI of 1923. Bom. XVIII of 1925. Bom. VI of 1933.

AND WHEREAS it is necessary to amend the Bombay District Municipal Act, 1901, the Bombay Local Boards Act, 1923, the Bombay Municipal Boroughs Act, 1925, and the Bombay Village Panchayats Act, 1933, for that purpose and for certain other purposes ; It is hereby enacted as follows :—

1. This Act may be called the Bombay Local Authorities Adult Franchise and Removal of Reservation of Seats Act, 1950. **Short title.**

2–7. [*The amendments made by sections 2–7 (both inclusive) have been incorporated in the Bombay District Municipal Act, 1901 (Bom. III of 1901), the Bombay Local Boards Act, 1923 (Bom. VI of 1923), the Bombay Municipal Boroughs Act, 1925 (Bom. XVIII of 1925), and the Bombay Village Panchayats Act, 1933 (Bom. VI of 1933).*]

8. Nothing in this Act shall affect the right of any Councillor or member elected to fill the seats reserved for Muslims or Muhammedans, Anglo-Indians or Indian Christians to continue as a Councillor or member of a municipality, local board or village panchayat, as the case may be, during the term of the office for which he was validly elected before this Act came into force. **Saving.**

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1950 Part V, pp. 186–187.

THE BOMBAY LEGISLATURE MEMBERS' DAILY ALLOWANCE ACT, 1950.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.
2. Daily allowance to be paid to members.
3. Avoidance of doubt.

BOMBAY ACT No. XXI OF 1950.[1]

[THE BOMBAY LEGISLATURE MEMBERS' DAILY ALLOWANCES ACT, 1950.]

[*5th May 1950*]

Amended by Bom. 30 of 1955.

An Act to provide for payment of enhanced daily allowance to the Members of the Bombay Legislature.

WHEREAS it is expedient to make provision for the payment of daily allowance to the members of the Bombay Legislature at a rate higher than that to which they were entitled immediately before the commencement of the Constitution of India ; It is hereby enacted as follows :—

1. This Act may be called the Bombay Legislature Members' Daily Allowance Act, 1950. Short title.

2. With effect from the 26th day of January 1950, there shall be paid, subject to such rules as the State Government may make in this behalf, to each member of the Bombay Legislative Assembly and the Bombay Legislative Council a daily allowance at the rate of Rs. 10 for each day of the period of residence for the purpose of attending the session of such Assembly or Council or the meeting of a committee of such Assembly or Council, as the case may be, at the place where such session or meeting is held : Daily allowance to be paid to members.

[2][Provided that in the case of a member, who ordinarily resides or carries on business at the place where such session or meeting is held, subject to the rules as aforesaid there shall be paid to such member daily allowance at the rate of Rs. 10 for each day on which he attends such session or meeting.]

3. For the avoidance of doubt it is hereby declared that nothing in this Act shall affect the right of a member of the Bombay Legislative Assembly or the Bombay Legislative Council to receive as such member, the salary and allowance (other than the daily allowance) which he is entitled to receive under article 195 of the Constitution at the rates and upon the conditions provided by or under the Bombay Legislature Members' Salaries and Allowances Act, 1937. Avoidance of doubt.

Bom. III of 1937.

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1950, Part V, p. 216.

[2] This Proviso was substituted for the original by Bom. 30 of 1955, s. 2.

THE BOMBAY MERGED AREAS, ENCLAVES AND SPECIFIED AREAS (AMENDMENT OF LAWS) ACT, 1950.

CONTENTS.

PREAMBLE.

CHAPTER I.

PRELIMINARY.

SECTIONS.

1. Short title.

CHAPTER II.

AMENDMENT OF BOMBAY ACT No. XXVIII OF 1947.

2. Definitions.

3. Amendment of Bombay Agricultural Debtors Relief Act, 1947, in its application to enclaves and specified areas.

CHAPTER III.

AMENDMENT OF BOMBAY ACT No. XXX OF 1949.

4. Amendment of Bom. XXX of 1949.

SCHEDULE I.

SCHEDULE II.

BOMBAY ACT No. XXII OF 1950.[1]

[THE BOMBAY MERGED AREAS, ENCLAVES AND SPECIFIED AREAS (AMENDMENT OF LAWS) ACT, 1950.]

[*10th May 1950*]

Amended by Bom. 43 of 1950.

An Act to amend the Bombay Agricultural Debtors Relief Act, 1947, [2][and the Bombay Tenancy and Agricultural Lands Act, 1948, in their] application to certain areas and the Bombay Merged Areas (Amendment of laws) Act, 1949.

Bom. XXVIII of 1947. Bom. XXX of 1949.

WHEREAS it is expedient to amend the Bombay Agricultural Debtors Relief Act, 1947, [2][and the Bombay Tenancy and Agricultural Lands Act, 1948, in their] application to the areas included in and forming part of the State of Bombay under the States' Merger (Bombay) Order, 1950, the Provinces and States (Absorption of Enclaves) Order, 1950, and the India and Hyderabad (Exchange of Enclaves) Order, 1950, and to amend the Bombay Merged Areas (Amendment of Laws) Act, 1949, for the purposes hereinafter appearing; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title.

1. This Act may be called the Bombay Merged Areas, Enclaves and Specified Areas (Amendment of Laws) Act, 1950.

CHAPTER II.

AMENDMENT OF BOMBAY ACT No. XXVIII OF 1947.

Definitions.

2. In this Chapter, unless there is anything repugnant in the subject or context—

(*1*) "enclave" means any of the areas specified in Schedule I appended to this Act;

(*2*) "specified area" means any of the areas specified in Schedule II appended to this Act.

Amendment of Bombay Agricultural Debtors Relief Act, 1947, in its application to enclaves and specified areas.

3. Notwithstanding anything contained in the States' Merger (Bombay) Order, 1950, the Provinces and States (Absorption of Enclaves) Order, 1950, and the India and Hyderabad (Exchange of Enclaves) Order, 1950, the Bombay Agricultural Debtors Relief Act, 1947, shall, in its application to the areas specified in Schedules I and II appended to this Act, be subject to the following modifications:— Bom. XXVIII of 1947.

In the said Act—

(*1*) in section 2,—

(*a*) for clause (2) the following shall be substituted, namely:—

"(2) 'co-operative society' shall mean a society registered under any of the provisions corresponding to those contained in the Bombay Co-operative Societies Act, 1925, in force in any of the enclaves or specified areas, as the case may be, or a society registered under the said Act;" Bom. VII of 1925.

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1950, Part V, pp. 213-214.

[2] These words were substituted for the words "in its" by Bom. 43 of 1950, s. 2.

(*b*) in clause (5),—

(*i*) for the figures, letters and word " 30th January 1940 ", wherever they occur, the figures, letters and word " 25th January 1950 " shall be substituted ;

(*ii*) for the words " the date of the coming into operation of this Act or of the establishment of the Board concerned under the repealed Act " wherever they occur, the words, figures and letters " 25th day of January 1950 " shall be substituted ;

(*2*) in section 4, for sub-section (*1*) the following sub-section shall be substituted, namely :—

" (*1*) Any debtor ordinarily residing in any local area or his creditor may make an application before the 31st October 1950 to the Court for the adjustment of his debts " ;

(*3*) in section 7, for the figures, letters and word " 1st January 1938 " the figures, letters and word " 25th January 1950 " shall be substituted ;

(*4*) in section 22, the following proviso shall be added at the end, namely :—

" Provided further that where any amount due to a creditor is determined by a competent tribunal or authority under any law in force in any of the enclaves or specified areas, as the case may be, relating to the conciliation or adjustment of the debts of agriculturists corresponding to this Act, the amount so determined shall be binding on the parties. " ;

(*5*) in section 23, in the proviso, after the figures " 1879 " the words " or any enactment corresponding thereto " shall be inserted ;

(*6*) in section 24, in sub-section (*2*), for the figures, letters and word " 1st August 1947 " the figures, letters and word " 31st October 1950 " shalll be substituted ;

(*7*) in section 25,—

(*a*) in clause (*i*), the words and figures " or by a Board established under section 4 of the repealed Act " shall be deleted ;

(*b*) in clause (*ii*) for the figures, letters and words " 15th day of February 1939 " the figures, letters and word " 25th January 1950 " shall be substituted ;

(*8*) in section 32, in sub-section (*2*),—

(*a*) for clause (*c*), the following clause shall be substituted, namely :—

" (*c*) loans given by resource societies or by persons authorised to advance loans under section 54 for the financing of crops or for seasonal finance, " ;

(*b*) in the Explanation, the words " under the repealed Act " and the words " under this Act " shall be deleted ;

(*9*) in section 56, in sub-section (*1*),—

XVII of 1879. Bom. XXVIII of 1939. IX 9of I 81.

(*a*) for the words and figures "the Dekkhan Agriculturists' Relief Act, 1879, by the Bombay Agricultural Debtors Relief Act, 1939, the first mentioned Act" the words and figures "any enactment corresponding to the Dekkhan Agriculturists, Relief Act, 1879, in force in any of the enclaves or specified areas, as the case may be, such enactment" shall be substituted;

(*b*) the words and brackets "with effect from the date of the coming into operation of this Act (hereafter in this section referred to as the said date)" shall be deleted;

(*c*) for the words "for a period of three years from the said date" the words, figures and letters "up to the 25th day of January 1953" shall be substituted;

(*d*) for the first proviso, the following proviso shall be substituted :—

"Provided that any proceeding in or out of any suit instituted on or before the 25th day of January 1953 shall be continued and disposed of after the said date as if the enactment corresponding to the Dekkhan Agriculturists' Relief Act, 1879, had continued in force after the said date."

CHAPTER III.

AMENDMENT OF BOMBAY ACT No. XXX OF 1949.

4. [*The amendments made by section 4 have been incorporated in the Bombay Merged Areas (Amendment of Laws) Act, 1949 (Bom. XXX of 1949).*]

[1][CHAPTER IV.

AMENDMENT OF BOMBAY ACT No. LXVII OF 1948.

5. In this Chapter 'enclave' and 'specified area' shall have the same meaning as assigned to them in section 2. Definition.

6. Notwithstanding anything contained in the States' Merger (Bombay) Order, 1950, the Provinces and States (Absorption of Enclaves) Order, 1950, and the India and Hyderabad (Exchange of Enclaves) Order, 1950, the Bombay Tenancy and Agricultural Lands Act, 1948, shall, in its application to the areas specified in Schedules I and II appended to this Act, be subject to the following modifications, namely :— Amendment of Bom. LXVII of 1948 in its application to enclaves and specified areas.

Bom. LXVII of 1948.

In the said Act—

(*1*) in section 2, for clause (*3*) the following shall be substituted, namely :—

"(*3*) "Co-operative Society" means a society registered under any of the provisions corresponding to those contained in the Bombay Co-operative Societies Act, 1925, in force in any of the enclaves or specified areas, as the case may be or, a society registered under the said Act;";

Bom. VI of 1925.

[1] Chapter IV was added by Bom. 43 of 1950. s. 3.

(*2*) in column 4 of the Schedule annexed to the said Act,—

(*a*) in section 3-A of the Bombay Tenancy Act, 1939, referred to therein, for the words and figures " the eighth day of November 1947 " the words and figures " the 25th day of January 1951 " shall be substituted; Bom. XXIX of 1939.

(*b*) in the proviso to sub-section (*1*) of section 4 of the Bombay Tenancy Act, 1939, referred to therein— Bom. XXIX of 1939.

(*i*) reference to " section 9 of the Bombay Small Holders Relief Act, 1938 " shall be read as reference to " any enactment corresponding to section 9 of the Bombay Small Holders Relief Act, 1938, if any, in force in any of the enclaves or specified areas, as the case may be "; Bom. VIII of 1938.

(*ii*) for the words and figures " the eighth day of November 1946 " the words and figures " the 25th day of January 1950 " shall be substituted;

(*c*) in sub-section (*2*) of section 4 of the Bombay Tenancy Act, 1939, referred to therein,— Bom. XXIX of 1939.

(*i*) for the words and figures " eighth day of November 1946 " the words and figures " the 25th day of January 1950 " shall be substituted;

(*ii*) in clause (*b*) (*i*) for the figures, letters and words " 31st day of May 1947 " the figures, letters and words " 31st day of May 1951 " shall be substituted;

(*iii*) in clause (*b*) (*ii*) for the figures, letters and words " 1st day of June 1947 " the figures, letters and words " 1st day of June 1951 " shall be substituted.]

SCHEDULE I.

[*See* Section 2 (*1*).]

(A) *Enclaves transferred from Rajasthan to Bombay.*

Mial village of former Jodhpur State.

(B) *Enclaves transferred from Saurashtra to Bombay.*

1. The following villages of former Limbdi State.—Fatepur, Gounjar, Pachham and Ratanpur.

2. Otaria and Sandhida villages of former Bhavnagar State.

3. The following villages of former Lakhtar State.—Jalampur, Karakthal, Kishol (Moti), Kishol (Nani), Rupavati, Wasan and Wasawa.

4. Mithapur and Odki villages of former Dasada State.

5. The following villages of former Jetpur State—Khijidiya, Pania and Venivadar.

6. The following villages of former Lakhapadar Thana.—Ghadia, Kaner Lakhapadar, Nini-Garmli, Patla and Vaghavdi.

7. Khantadi village of former Eastern Kathiawar States Agency.

(C) *Enclaves transferred from Hyderabad to Bombay.*

1. Belwara village of Patoda Taluka in District Bid.

2. Borgaon village of Osmanabad Taluka in District Osmanabad.

3. The following villages of Parenda Taluka in District Osmanabad.—Shelgaon Sultanpur, Shirpad Pimpri, Anjangaon, Jamgaon (Byarg), Kevda, Sultanpur, Chavanvadi, Hatkarwadi, Kapsewadi, Dhanora, Manegaon, Bujrugwadi, Pachpundwadi, Kairao, Ridhore, Bhawarja (Byarg), Sindri Jagir, Upla village including hamlets of Wangiwadi, Irla and Tawarwadi.

4. Andewadi (J) village in District Gulburga, Kakerbli Madbal, and Dholar villages in Jeevargi Taluq.

5. Bhatnoor and Nagarbetta villages in Taluq Shorapur.

6. Gadesankpur village in Taluq Lingsugur.

7. The following villages in Taluq Kushtagi.—

Mullapur (J), Sarjapur, Santagira, Baloguda, Chigalgundi, Hanamsagar Kurbanna (J), Itgi (J), Gulguli (J), Mugli.

8. Hiralgundi (J) village in District Raichur.

9. The following villages of Tuljapur Taluka in District Osmanabad—Raulgaon, Astha Pophali, Virwad Khurd, Shivni, Karamba (J), Warlegaon, Chikhelli (J), Yellamwadi, Pawarwadi, Bopla, Yekoda, Mangoli, Baborwadi, Waloja, Degaon Sasoora, Ghorpadi, Daksal, Mansi, Bhagachiwadi, Kowtali, Saklewadi, Kahman, Maslachowadhari, Pudshli, Wangi, Ichgaon, Khaneshwar, Bhoir, Ranmasla, Dharpal, Nanaj, Mohtechiwadi, Gharilachiwadi.

10. The following villages of Ashti Taluka in District Bid.—Kavadgaon, Hasnabad, Girvalli, Pimpalkhed, Chandi, Aghi, Khamgaon, Dhanora, Fakhirabad, Halgaon, Nanaj, Wagh, Javalki, Dhanegaon, Jawla, Tartgaon, Balegaon, Rodagaon, Borgaon, Dimeshwar.

Note.—'J' shown against a village indicates Jahagir.

SCHEDULE II.

[*See* section 2 (*2*).]

Areas of the former Sirohi State merged in the State of Bombay.

1. Abu Road.
2. Kesarganj.
3. Akra.
4. Manpur.
5. Santpur.
6. Ganka.
7. Khadat.
8. Umrani.
9. Kui.
10. Siawa.
11. Sangna.
12. Panduri.
13. Maval.
14. Redwa Mota.
15. Dona Kakar.
16. Dan Vav.
17. Mudarla.
18. Kiyara.
19. Kuyariya.
20. Khara.
21. Bhesa Sen.
22. Amba.
23. Mungthala.
24. Mirgarh.

25. Adaliya.
26. Aval.
27. Chandela.
28. Girwar.
29. Bageri.
30. Redwa Chhota.
31. Behadurpura.
32. Chanar.
33. Talvarankanaka.
34. Ambaveri.
35. Mahikheda.
36. Fatehpura.
37. Chotila.
38. Rokhada.
39. Muliya Mahadeo.
40. Forest Chotila.
41. Chandravati.
42. Upli Bor.
43. Upla Garh.
44. Upla Khejira.
45. Kiyariya.
46. Tokiya.
47. Dori.
48. Jambudi.
49. Jayadara.
50. Taleti.
51. Dotra.
52. Nichala Garh.
53. Nichli Bor.
54. Nichala Khejira.
55. Pava.
56. Buja.
57. Bori Buj.
58. Bosa.
59. Dhamariya.
60. Men.
61. Ranora.
62. Rada.
63. Surpagala.
64. Amthala.
65. Od.
66. K.r li.
67. Kivarli.
68. Tunka.
69. Derna.
70. Tartoli.
71. Vasada.
72. Morthala.
73. Deldar (Jagir).
74. Deldar (Devasthan).
75. Arna.
76. Oria.
77. Govagam.
78. Javai.
79. Dhundhai.
80. Torna.
81. Dilwara.
82. Salagam.
83. Achalgadn.
84. Masgam.
85. Sanigam.
86. Hetamji.
87. Block No. 4 (excluding all that portion to the west of a line drawn from western boundaries of Badarpura, Fatehpura, Maliakhera to south-west point of Block No. 3 and village Masgam).
88. Portion of Block No. 2 on south of the Abu Road.
89. Utraj Village Survey Nos. 771 to 785.

THE BOMBAY LOCAL AUTHORITIES CENSUS EXPENSES CONTRIBUTION ACT, 1950.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title and extent.
2. Definitions.
3. Contribution by local authorities.
4. Obligation of local authority to give assistance.
5. Power to enforce orders.
6. Rules..

BOMBAY ACT No. XXIII OF 1950.[1]

[THE BOMBAY LOCAL AUTHORITIES CENSUS EXPENSES CONTRIBUTION ACT, 1950.]

[*10th May 1950*]

An Act to provide for contribution by local authorities to census expenses.

WHEREAS it is expedient to make provision for contribution by local authorities of a portion of the expenses incurred in connection with the taking of any census in the State of Bombay and for certain other purposes hereinafter appearing; It is hereby enacted as follows :—

Short title and extent.

1. (*1*) This Act may be called the Bombay Local Authorities Census Expenses Contribution Act, 1950.

(*2*) It extends to the whole of the State of Bombay.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

XXXVII of 1948.

(*1*) "Census Act" means the Census Act, 1948;

(*2*) "census" means a census taken in accordance with the provisions of the Census Act;

(*3*) "prescribed" means prescribed by rules made under this Act.

Contribution by local authorities.

3. (*1*) Notwithstanding anything contained in any enactment in regard to the funds of any local authority, the State Government may direct that such portion of any expenses as may be prescribed, incurred for anything done in accordance with the Census Act or the rules made thereunder, may be charged to the funds of any local authority constituted for and on behalf of the area within which such expenses were incurred.

(*2*) The sum directed to be charged under sub-section (*1*) shall be computed and paid in the prescribed manner.

Obligation of local authority to give assistance.

4. Every local authority shall be bound to give such assistance in connection with census as it may be called upon to give by an order made under section 6 of the Census Act.

Power to enforce orders.

5. If the State Government after receiving a report from the District Magistrate or the Superintendent of Census Operations is satisfied that a local authority has failed to make payment of the expenses or costs as required by or under section 3 of this Act or section 16 of the Census Act or has made default in performing any duty imposed upon it by or under this Act or the Census Act, the State Government may make such order or take such steps as it may consider expedient for securing the payment of such expenses or costs or the performance of such duty, as the case may be.

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1950, Part V, pp. 201-202.

Rules.

6. (*1*) The State Government may, by notification in the *Official Gazette*, make rules to carry out the purposes of this Act.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(*a*) the portion of the expenses incurred in connection with the taking of a census which may be charged under this Act to the funds of any local authority ;

(*b*) the manner in which the sums charged under this Act shall be computed and paid ;

(*c*) the manner in which and the extent to which any duty in connection with the taking of a census shall be performed by a local authority.

BOMBAY ACT No. XXIV OF 1950.[1]

[THE POONA UNIVERSITY (AMENDMENT) ACT, 1950.]

[*10th May 1950*]

An Act to amend the Poona University Act, 1948.

Bom. XX of 1948.

WHEREAS it is expedient to amend the Poona University Act, 1948, for the purposes hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the Poona University (Amendment) Act, 1950. Short title.

2-3. [*The amendments made by sections 2 and 3 have been incorporated in the principal Act.*]

4. The member elected by the District Local Board of the Satara District and the member elected by the municipalities in the Satara District shall cease to be members of the Court with effect from such date as the State Government may appoint in this behalf. Members from municipalities in Satara District and from District Local Board, Satara, to cease to be members of Court.

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1950, Part. V, p. 204.

The Bombay State Road Transport Act, 1950 (Bom. XXV of 1950), at pages 3523-3536 has been repealed by the Bombay (Second) Repealing and Amending Act, 1955 (Bom. XXIX of 1955), Section 2, First Schedule.

BOMBAY ACT No. XXVII OF 1950.[1]

[THE LAND ACQUISITION (BOMBAY AMENDMENT) ACT, 1950.]

[*21st June 1950*]

I of 1894.

An Act to amend the Land Acquisition Act, 1894, in its application to the State of Bombay.

WHEREAS it is expedient to amend the Land Acquisition Act, 1894, in its application to the State of Bombay for the purpose hereinafter appearing; It is hereby enacted as follows :—

Short title.

I of 1894.

1. This Act may be called the Land Acquisition (Bombay Amendment) Act, 1950.

Amendment of section 3 of Act I of 1894.

2. In section 3 of the Land Acquisition Act, 1894, after clause (*a*) the following new clause shall be inserted, namely :—

(*aa*) the expression "arable land" includes "garden land".

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1950, Part. V, page. 97.

THE BOMBAY COMMISSIONERS (ABOLITION OF OFFICE) ACT, 1950.

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PREAMBLE.

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1. Short title, extent and commencement.
2. Definitions.
3. Construction of references to Commissioner in existing law.
4. Amendment of certain enactments.
5. Construction of references in instruments or documents.
6. Pending legal proceedings.
7. Pending proceedings before the Commissioner.
8. Saving.

SCHEDULE.

BOMBAY ACT No. XXVIII OF 1950.[1]

[THE BOMBAY COMMISSIONERS (ABOLITION OF OFFICE) ACT, 1950.]

[*24th July 1950*]

Amended by Bom. 39 of 1951.

An Act to abolish the office of the Commissioner in the State of Bombay and to make provisions consequent on such abolition.

WHEREAS it is expedient to abolish the office of the Commissioner and whereas it is necessary to make provision for matters consequent on such abolition and for certain other matters ; It is hereby enacted as follows ;—

Short title, extent and commencement.

1. (*1*) This Act may be called the Bombay Commissioners (Abolition of Office) Act, 1950.

(*2*) It extends to the whole of the State of Bombay.

(*3*) It shall come into force on such date as the State Government may by notification in the *Official Gazette* specify.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*1*) "Commissioner" means the Commissioner of a division and includes the Commissioner of Prohibition and Excise ;

(*2*) "division" means the territories prescribed as a division under section 4 of the Bombay Land Revenue Code, 1879 ;

Bom. V of 1879.

(*3*) "existing law" means any enactment of a Legislature or other competent authority in relation to matters specified in Lists II and III in the Seventh Schedule to the Constitution in force immediately before the commencement of this Act and includes any rule, bye-law, regulation, order, notification or form made, prescribed or issued under any such enactment.

Construction of references to Commissioner in existing law.

3. With effect from the date of the commencement of this Act, the office of the Commissioner shall be abolished and subject to the provisions made in the Schedule, all existing laws shall, unless the context otherwise requires, be construed as if the references therein to the Commissioner were references to the State Government or to such authority as the State Government may, by a general or special order, appoint :

Provided that unless such general or special order otherwise directs, the State Government shall have and exercise the same power and control over the authority so appointed as it would have had and exercised over the Commissioner and the authority so appointed shall also have and exercise the same power and control over the Collector and his subordinates as a Commissioner would have had and exercised, if this Act had not been passed.

Amendment of certain enactments.

4. The enactments mentioned in column 1 of the Schedule shall have effect as if the provisions specified in column 2 thereof were amended to the extent and in the manner in the said column 2.

Construction of references in instruments or documents

5. All instruments or documents executed or made before the commencement of this Act under or with reference to any existing law or any enactment specified in the Schedule shall, unless the context otherwise requires, be construed as if

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1950, Part V, page 153.

references therein to the Commissioner were references to the State Government or to such authority as the State Government may appoint under section 3 or to such other authority as may be provided in the Schedule, as the case may be.

Pending legal proceedings.

6. If at the commencement of this Act any legal proceedings are pending to which a Commissioner is a party, the State Government or such authority as is provided by the provisions of this Act shall be deemed to be substituted for the Commissioner in the said proceedings.

Pending proceedings before the Commissioner.

7. All proceedings including proceedings by way of appeals, revision or review pending under any existing law before a Commissioner immediately before the commencement of this Act shall be transferred for disposal to the State Government or such authority as the State Government may appoint in this behalf :

Provided that if such proceeding is transferred for disposal to the authority appointed by the State Government, the decision of such authority shall be subject to an appeal or revision to the State Government in the same manner and to the same extent to which the decision of the Commissioner was subject under the existing law.

Saving.

8. Any appointment, notification, order, rule, regulation, bye-law, form, instrument or document made, prescribed, issued or executed before the commencement of this Act by the Commissioner under or with reference to the provisions of any existing law shall be deemed to have been made, prescribed, issued or executed by the State Government or such authority as the State Government may appoint under section 3 or such other authority as may be provided in the Schedule, as the case may be, and shall be valid and in operation unless and until superseded or modified by an appointment, notification, order, rule, regulation, bye-law form, instrument or document made, prescribed, issued or executed by a competent authority.

SCHEDULE.

(*See* sections 3, 4 and 5.)

Bombay Acts.

Enactments. 1	Amendments. 2
1. The Bombay Hereditary Offices Act (Bom. III of 1874).	In section 5, in sub-section (*1*), the words " or in the case of a mortgage, charge, alienation, or lease of not more than thirty years, of the Commissioner " shall be deleted. 2. In section 6,— (1) for the word " Commissioner " and the words " said Commissioner " the words " State Government " shall be substituted ; (2) for the word " he " the word " it " shall be substituted.

Enactments. 1	Amendments. 2
	3. In section 45,—
	(1) in clauses (*f*) and (*h*), for the word "Commissioner" the words "State Government" shall be substituted;
	(2) in clause (*f*) for the word "he" the word "it" shall be substituted.
	4. In section 74, the words "the Commissioner and of" shall be deleted.
	5. In section 77, for the word "Commissioner" the words "State Government" shall be substituted.
	6. In section 79, the paragraph beginning with the words "The Provincial Government may delegate" and ending with the words "to impose" shall be deleted.
	7. In section 84, the words "a Commissioner or" shall be deleted.
2. The Bombay Land Revenue Code, 1879 (Bom. V of 1879).	For section 4, the following shall be substituted, namely:—
	"4. (*1*) The Chief Controlling authority in all matters connected with the land revenue shall vest in the State Government.
	Chief controlling authority in revenue matters.
	(*2*) The State Government may, by notification in the *Official Gazette*, prescribe the territories in the State which shall form a division and may by a like notification alter the limits of the division so formed."
	2. Sections 5 and 6 shall be deleted.
	3. In section 7, the words "under the control of the Commissioner" shall be deleted.
	4. In section 8, the words "shall be subordinate to the Commissioner of his division and" shall be deleted.
	5. In section 13, the words "and of the Commissioner" shall be deleted.
	6. In section 14, the words "by the Commissioner or" shall be deleted.
	7. In section 17, the words "and of the Commissioner" shall be deleted.
	8. In sections 39, 82 and 159, for the word "Commissioner" the words "State Government" shall be substituted.

Enactments.	Amendments.
	9. In section 49, for the word "Commissioner" the word "Collector" shall be substituted. 10. In section 152,— (1) for the word "Commissioner" the words "State Government" shall be substituted; and (2) the words "with the sanction of the Provincial Government" shall be deleted. 11. In section 154, for the word "Commissioner" the word "Collector" shall be substituted. 12. In section 158, for the words "The Commissioner may, with the sanction of the Provincial Government" the words "The State Government may" shall be substituted. 13. In section 183, the words "The Commissioner under the orders of" shall be deleted. 14. In section 204, the words and figures "Subject to the provision in the Bombay Revenue Tribunal Act, 1939" shall be inserted at the commencement and the words "by a Commissioner or" shall be deleted.
3. The Bombay Irrigation Act, 1879 (Bom. VII of 1879).	1. In section 11, the words "or any Commissioner if empowered by the Provincial Government in this behalf" shall be deleted. 2. In section 57, in sub-section (*1*), for the words "or of any Commissioner empowered by the Provincial Government in this behalf" shall be deleted. 3. In section 60, for the words "for the information of the Commissioner of the Division and likewise to" the word "and" shall be substituted.
4. The Bombay District Municipal Act, 1901 (Bom. III of 1901).	In section 3, clause (3) shall be deleted.
5. The Bombay General Clauses Act, 1904 (Bom. I of 1904).	In section 3, clause (13) shall be deleted.
6. The Bombay Court of Wards Act, 1905 (Bom. I of 1905).	1. In section 3,— (1) for the words "the Commissioner shall be the Court of Wards for the limits of his division" the words "the Collector shall be the Court of Wards for the limits of his district" shall be substituted; (2) (*a*) in clause (*a*), the words "in lieu of the Commissioner" shall be deleted, (*b*) in clause (*b*), for the words "the Commissioner and any other officer or", the word "two or more" shall be substituted.

Enactments. 1	Amendments. 2
	2. In section 19,— (1) in sub-section (*1*), the words " Where the Collector is not the Court of Wards " shall be inserted at the commencement ; (2) in sub-section (*2*), the words " Where the Collector is not the Court of Wards " shall be inserted at the commencement ; (3) after sub-section (*2*), the following shall be added, namely :— " (3) Where the Collector is the Court of Wards, subject to any general or special orders of the State Government, the Court of Wards may exercise all or any of the powers under this Act through an Assistant or Deputy Collector whom it may appoint in this behalf and subject to the like orders, any such Assistant or Deputy Collector may exercise all or any of the powers delegated to him under this Act through any Revenue Officer subordinate to him not below the rank of a Mahalkari." 3. In section 43, in sub-section (*1*),— (1) in clause (*a*), for the word " Commissioner " the word " Collector " shall be substituted ; (2) clause (*b*) shall be deleted.
7. The Bombay Town Planning Act, 1915 (Bom. I of 1915).	[1][1. In sections 4 (*1*), 10 (*2*) and 26 (*1*) the words ' in any area for which a municipal corporation is constituted under any enactment or the Commissioner elsewhere " shall be deleted ; 2. In section 43, in sub-section (*3*) the words ' in the Greater Bombay or the Commissioner elsewhere ' shall be deleted. 3. In section 45, in sub-section (*3*), the words ' in any area for which a municipal corporation is constituted under any enactment and by the Commissioner elsewhere ' shall be deleted.]
8. The Bombay Public Conveyances Act, 1920 (Bom. VII of 1920).	1. In section 36,— (1) in sub-section (*1*), the words " or the Commissioner of a Division " and " or his " shall be deleted. (2) in sub-sections (*2*) and (*4*), the words " or the Commissioner of the division, as the case may be " shall be deleted. 2. In section 37, the words " or the Commissioner of a division, as the case may be," shall be deleted.

[1] These items were substituted for the original by Bom. 39 of 1951, s. 3, Second Schedule.

Enactments. 1	Amendments. 2
9. The Bombay Municipal Boroughs Act, 1925 (Bom. XVIII of 1925).	In section 3, clause (3) shall be deleted.
10. The Bombay Revenue Tribunal Act, 1939 (Bom. XII of 1939).	In section 2, clause (1) and section 8 shall be deleted.
11. The Bombay Sales Tax Act, 1946 (Bom. V of 1946).	Throughout the Act, for the word "Commissioner" wherever it occurs the word "Collector" shall be substituted.
12. The Bombay Prohibition Act, 1949 (Bom. XXV of 1949).	1. Throughout the Act, except as otherwise provided, for the word "Commissioner" the word "Director" shall be substituted. 2. In section 2, for clause (5) the following shall be substituted, namely :— "(5) 'Director' means an Officer appointed as the Director of Excise and Prohibition under section 3." 3. In section 3 – (1) for the words "Prohibition Commissioner" where they occur for the first time the words "Director of Excise and Prohibition" shall be substituted; (2) for the proviso, the following shall be substituted, namely :— "Provided that the person appointed as and holding office of the Prohibition Commissioner immediately before the date on which the Bombay Commissioners (Abolition of Office) Act, 1950, comes into force shall be the Director of Excise and Prohibition and shall hold the office of the Director of Excise and Prohibition until the State Government directs otherwise."; (3) for the marginal note the following shall be substituted, namely :— "Director of Excise and Prohibition."
13. The Bombay Taluqdari Tenure Abolition Act, 1949 (Bom. LXII of 1949).	In section 6, for the word "Commissioner" the words "State Government" shall be substituted.

Bom. XXVIII of 1950.

THE BOMBAY PUBLIC TRUSTS ACT, 1959.

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BOMBAY ACT No. XXIX OF 1950.[1]

[THE BOMBAY PUBLIC TRUSTS ACT, 1950.]

[*14th August 1950*]

Amended by Bom. 47 of 1950.
,, ,, ,, 14 of 1951.
,, ,, ,, 39 of 1951.
,, ,, ,, 28 of 1953.
,, ,, ,, 21 of 1954.
,, ,, ,, 59 of 1954.
,, ,, ,, 23 of 1955.

An Act to regulate and to make better provision for the administration of public religious and charitable trusts in the State of Bombay.

WHEREAS it is expedient to regulate and to make better provision for the administration of public religious and charitable trusts in the State of Bombay; It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

Short title, extent, operation and application.

1. (*1*) This Act may be called the Bombay Public Trusts Act, 1950.

(*2*) It shall extend to the whole of the State of Bombay.

(*3*) This Act shall come into force at once ; but the provisions thereof shall apply to a public trust or any class of public trusts on the date specified in the notification under sub-section (*4*).

(*4*) The State Government may, by notification in the *Official Gazette* specify the date on which the provisions of this Act shall apply to any public trust or any class of public trusts :

Provided that the State Government may also by a like notification direct that from the date specified therein any public trust or class of public trusts shall be exempt from the provisions of this Act :

Provided further that before a notification of such application or exemption is published, a draft thereof shall be published in the *Official Gazette* and in such other manner as may be prescribed for the information of persons likely to be affected thereby together with a notice specifying the date on or before which any objections or suggestions shall be received and the date on or after which the draft shall be taken into consideration.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*1*) " assessor " means a person appointed as an assessor under section 7 ;

(*2*) " Assistant Charity Commissioner " means an Assistant Charity Commissioner appointed under section 5 ;

(*3*) " Charity Commissioner " means the Charity Commissioner appointed under section 3 ;

(*4*) " Court " means in the Greater Bombay, the City Civil Court and elsewhere, the District Court ;

(*5*) " Deputy Charity Commissioner " means the Deputy Charity Commissioner appointed under section 5 ;

(*6*) " Hindu " includes Jain, Buddhist and Sikh;

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1949, Part V, pp. 235-239.

(*7*) " Inspector " means an Inspector appointed under section 3 ;

(*8*) " manager " means any person (other than a trustee) who for the time being either alone or in association with some other person or persons administers the trust property of any public trust and includes—

(*a*) in the case of a math, the head of such math,

(*b*) in the case of a wakf, a mutavalli of such wakf,

(*c*) in the case of a society registered under the Societies Registration Act, 1860, its governing body, if the property of the society is not vested in a trustee; XXI of 1860.

(*9*) " math " means an institution for the promotion of the Hindu religion presided over by a person whose duty it is to engage himself in imparting religious instructions or rendering spiritual service to a body of disciples or who exercises or claims to exercise headship over such a body and includes places of religious worship or instruction which are appurtenant to the institution ;

(*10*) " person having interest " [1][includes]—

(*a*) in the case of a temple, a person who is entitled to attend at or is in the habit of attending the performance of worship or service in the temple, or who is entitled to partake or is in that habit of partaking in the distribution of gifts thereof,

(*b*) in the case of a math, a disciple of the math or a person of the religious pursuasion to which the math belongs,

(*c*) in the case of a wakf, a person who is entitled to receive any pecuniary or other benefit from the wakf and includes a person who has a right to worship or to perform any religious rite in a mosque, idgah, imambara, dargah, maqbara or other religious institution connected with the wakf or to participate in any religious or charitable institution under the wakf,

(*d*) in the case of a society registered under the Societies Registration Act, 1860, any member of such society, and XXI of 1860.

(*e*) in the case of any other public trust, any beneficiary ;

(*11*) " prescribed " means prescribed by rules ;

(*12*) " public securities " means—

(*a*) securities of the Central Government or any State Government,

(*b*) stocks, debentures or shares in Railway or other companies, the interest or dividend on which has been guaranteed by the Central or any State Government,

(*c*) debentures or other securities for money issued by or on behalf of any local authority in exercise of the powers conferred by an Act of the Central or State Legislature ,

(*d*) a security expressly authorised by an order which the State Government makes in this behalf ;

(*13*) " public trust " means an express or constructive trust for either a public religious or charitable purpose or both and includes a temple, a math, a wakf, [2][a dharmada] or any other religious or charitable endowment and a society formed either for a religious or charitable purpose or for both and registered under the Societies Registration Act, 1860 ; XXI of 1860.

[1] This word was substituted for the word " means " by Bom. 28 of 1953, s. 2.

[2] These words were inserted by Bom. 14 of 1951, s. 2.

(*14*) "region" or "sub-region" means the areas designated as such and for which a Public Trusts Registration Office has been established under this Act ;

(*15*) "rules" means rules made under this Act ;

[1]* * * * * *

(*17*) "temple" means a place by whatever designation known and used as a place of public religious worship and dedicated to or for the benefit of or used as of right by the Hindu community or any section thereof as a place of public religious worship ;

(*18*) "trustee" means a person in whom either alone or in association with other persons, the trust property is vested and includes a manager ;

(*19*) "wakf" means a permanent dedication by a person professing Islam of any moveable or immoveable property for any purpose recognised by the Islamic law as pious, religious or charitable and includes a wakf by user but does not include a wakf such as is described in section 3 of the Mussalman Wakf Validating Act, 1913, under which any benefit is for the time being claimable for himself by the person by whom the wakf was created or by any member of his family or descendants ;

VI of 1913.

(*20*) words and expressions used but not defined in this Act and defined in the Indian Trusts Act, 1882, shall have the meanings assigned to them in that Act.

II of 1882.

CHAPTER II.

ESTABLISHMENT.

Charity Commissioner.

3. The State Government may, by notification in the *Official Gazette*, appoint an Officer to be called the Charity Commissioner, who shall exercise such powers and shall perform such duties and functions as are conferred by or under the provisions of this Act and shall, subject to such general or special orders as the State Government may pass, superintend the administration and carry out the provisions of this Act throughout the State.

Qualification for appointment of Charity Commissioner.

[2][**4.** The Charity Commissioner shall be a person,—

(*a*) who is holding or has held a judicial office not lower in rank than that of a District Judge or a Judge of the Bombay City Civil Court, or the Chief Judge of the Presidency Small Cause Court, or

(*b*) who has been for not less than ten years,—

XXXVIII of 1926.

(*i*) an advocate enrolled under the Indian Bar Councils Act, 1926,

Bom. XVII of 1920.

(*ii*) an attorney of a High Court, or

(*iii*) a pleader enrolled under the Bombay Pleaders Act, 1920.]

Deputy and Assistant Charity Commissioners.

5. (*1*) The State Government may also appoint such number of Deputy and Assistant Charity Commissioners for such regions or sub-regions or for such public trust or such class of public trusts as may be deemed necessary.

[3](*2*) A person to be appointed as a Deputy or Assistant Charity Commissioner shall be a person—

(*a*) who is holding or has held a judicial office not lower in rank than that of a Civil Judge (Senior Division) or a Judge of the Bombay City Civil Court or of the Presidency Small Cause Court, or

[1] Clause (16) was deleted by Bom. 39 of 1951, s. 2, First Schedule.
[2] This section was substituted for the original by Bom. 14 of 1951, s. 3.
[3] This sub-section was substituted for the original, *ibid*, s. 4

(*b*) who has been for not less than seven years,—
(*i*) an advocate enrolled under the Indian Bar Councils Act, 1926, XXXVIII of 1926.
(*ii*) an attorney of a High Court, or
(*iii*) a pleader enrolled under the Bombay Pleaders Act, 1920.] Bom. XVII of 1920.

(*3*) The Deputy and Assistant Charity Commissioners shall exercise such powers and perform such duties and functions as may be provided by or under the provisions of this Act.

Subordinate Officers.

6. To aid the Chairty Commissioner and the Deputy and Assistant Charity Commissioners in carrying out the provisions of this Act, the State Government may appoint Inspectors and other subordinate Officers with such designations and assign to them such powers, duties and functions under this Act, as may be deemed necessary :

[1][Provided that the State Government may, by general or special order and subject to such conditions as it deems fit to impose, delegate to the Charity Commissioner and the Deputy and Assistant Charity Commissioners power to appoint subordinate officers and servants, as may be specified in the order.]

Charity Commissioner and other officers to be servants of State Government.

[2][**6A.** The Charity Commissioner, the Deputy and Assistant Charity Commissioners, the Inspectors and other subordinate officers and servants appointed under this Act shall be the servants of the State Government and they shall draw their pay and allowances from the Consolidated Fund of the State. The conditions of service of such officers shall be such as may be determined by the State Government.

Cost of pay, pension, etc. of Charity Commissioner etc., to be paid to Government out of the Public Trusts Administration Fund.

6B. There shall be paid every year out of the Public Trusts Administration Fund to the State Government such cost as the State Government may determine on account of the pay, pension, leave and other allowances of the Charity Commissioner, the Deputy and Assistant Charity Commissioners, the Inspectors and other subordinate officers and servants appointed under this Act.]

Assessors.

7. (*1*) The assessors shall be appointed in the manner provided in Chapter IX for any region or sub-region or with respect to any particular public trust or class of public trusts or in connection with any particular matter or class of matters to such trust or class of trusts.

(*2*) The assessors shall perform such functions as may be provided by or under the provisions of this Act.

Delegations.

8. (*1*) The State Government may delegate any of its own powers or functions under this Act to the Charity Commissioner or any other officer subject to such conditions as it thinks fit.

(*2*) The State Government may also direct that any powers exercisable and any duties or functions to be performed by any particular officer appointed under this Act may be performed by any other officer subject to such conditions as it thinks fit.

[1] This proviso was added by Bom. 47 of 1950, s. 2.
[2] Sections 6A and 6B were inserted by Bom. 47 of 1950, s. 3.

CHAPTER III.

Charitable Purposes and Validity of certain Public Trusts.

Charitable purposes.

9. For the purposes of this Act, a charitable purpose includes—

(1) relief of poverty or distress,

(2) education,

(3) medical relief, and

(4) the advancement of any other object of general public utility,

but does not include a purpose which relates—

(*a*) exclusively to sports, or

(*b*) exclusively to religious teaching or worship.

Public trust not to be void on ground of uncertainty.

10. Notwithstanding any law, custom or usage, a public trust shall not be void, only on the ground that the persons or objects for the benefit of whom or which it is created are unascertained or unascertainable.

Explanation.—A public trust created for such objects as dharma, dharmada or punyakarya, punyadan shall not be deemed to be void, only on the ground that the objects for which it is created are unascertained or unascertainable.

Public trust not void on ground that it is void for non-charitable or non-religious purpose.

11. A public trust created for purposes some of which are charitable or religious and some are not shall not be deemed to be void in respect to the charitable or religious purpose, only on the ground that it is void with respect to the non-charitable or non-religious purpose.

Public trust not void on ground of absence of obligation.

12. Any disposition of property for a religious or charitable purpose shall not be deemed to be void as a public trust, only on the ground that no obligation is annexed with such disposition requiring the person in whose favour it is made to hold it for the benefit of a religious or charitable object.

Public trust not void on failure of specific object or society, etc. ceasing to exist.

13. If any public trust is created for a specific object of a charitable or religious nature or for the benefit of a society or institution constituted for a charitable or religious purpose, such trust shall not be deemed to be void only on the ground—

(*a*) that the performance of the specific object for which the trust was created has become impossible or impracticable, or

(*b*) that the society or institution does not exist or has ceased to exist, notwithstanding the fact that there was no intent for the appropriation of the trust property for a general charitable or religious purpose.

CHAPTER IV.

Registration of Public Trusts.

Regions and sub-regions.

14. (*1*) For the purposes of this Act, the State Government may form regions and sub-regions and may prescribe and alter limits of such regions and sub-regions.

(*2*) The regions and sub-regions formed under this section, together with the limits thereof and every alteration of such limits shall be notified in the *Official Gazette*.

Public Trusts Registration Offices.

15. In every region or sub-region there shall be a Public Trusts Registration Office :

Provided that for two or more regions or sub-regions, there may be one Public Trusts Registration Office :

Provided further that for one region or sub-region there may be one or more Joint Public Trusts Registration Offices.

Deputy or Assistant Charity Commissioner to be in charge of Public Trusts Registration Office.

16. The State Government may appoint a Deputy Charity Commissioner or Assistant Charity Commissioner to be in charge of one or more Public Trusts Registration Offices or Joint Public Trusts Registration Offices.

Books, indices and registers.

17. In every Public Trusts Registration Office or Joint Public Trusts Registration Office, it shall be the duty of the Deputy or Assistant Charity Commissioner in charge to keep and maintain such books, indices and other registers as may be prescribed. Such books, indices and registers shall contain such particulars as may also be prescribed.

Registration of public trusts.

18. (*1*) It shall be the duty of the trustee of a public trust to which this Act has been applied to make an application for the registration of the public trust.

(*2*) Such application shall be made to the Deputy or Assistant Charity Commissioner of the region or sub-region within the limits of which the trustee has an office for the administration of the trust [1][or the trust property or substantial portion of the trust property is situated, as the case may be.]

(*3*) Such application shall be in writing, shall be in such form and accompanied by such fee as may be prescribed.

(*4*) Such application shall—

(*a*) in the case of a public trust created before this Act was applied to it, be made, within three months from the date of the application of this Act, and

(*b*) in the case of a public trust created after this Act comes into force, within three months of its creation.

(*5*) Such application shall *inter alia* contain the following particulars :—

[2][(*ai*) the designation by which the public trust is or shall be known (hereinafter referred to as the name of the public trust),]

(i) the names and addresses of the trustees and the manager,

(ii) the mode of succession to the office of the trustee,

(iii) the list of the moveable and immovable trust property and such descriptions and particulars as may be sufficient for the identification thereof,

(iv) the approximate value of the moveable and immovable property,

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[1] These words were added by Bom. 14 of 1951, s. 5.
[2] This clause was inserted by Bom. 23 of 1955, s. 2(*1*).

(v) the gross average annual income of the trust property estimated on the income of three years immediately preceding the date on which the application is made or of the period which has elapsed since the creation of the trust, whichever period is shorter,

(vi) the amount of the average annual expenditure in connection with such public trust estimated on the expenditure incurred within the period to which the particulars under clause (v) relate,

(vii) the address to which any communication to the trustee or manager in connection with the public trust may be sent,

(viii) such other particulars which may be prescribed :

Provided that the rules may provide that in the case of any or all public trusts it shall not be necessary to give the particulars of the trust property of such value and such kind as may be specified therein.

(*6*) Every application made under sub-section (*1*) shall be signed and verified in the prescribed manner by the trustee or his agent specially authorised by him in this behalf. It shall be accompanied by a copy of an instrument of trust, if such instrument had been executed and is in existence.

[1][(*7*) It shall also be the duty of the trustee of the public trust to send memorandum in the prescribed form containing the particulars, including the name and description of the public trust, relating to the immovable property of such public trust, to the following officers and authorities for the purposes of registration in the registers maintained under section 28B, namely :—

XVI of 1908. (*i*) the sub-registrar of the sub-district appointed under the Indian Registration Act, 1908, in which such immovable property is situate ;

(*ii*) in the City of Bombay, the Collector of Bombay and elsewhere, the Mamlatdar of the taluka within the limits of which such immovable property is situate, and

Bom. VI of 1933. Bom. III of 1901. Bom. XVIII of 1925. Bom. III of 1888. Bom. LIX of 1949. (*iii*) the village panchayat constituted under the Bombay Village Panchayats Act, 1933, or the municipality constituted under the Bombay District Municipal Act 1901, or the Bombay Municipal Boroughs Act, 1925 or the municipal corporation constituted under the Bombay Municipal Corporation Act or the Bombay Provincial Municipal Corporations Act, 1949, within the local limits of which such immovable property is situate.

Such memorandum shall be sent within three months from the date of creation of the public trust and shall be signed and verified in the pres ribed manner by the trustee or his agent specially authorised by him in this behalf.],

19. On the receipt of an application under section 18, or upon an application made by any person having interest in a public trust or on his own motion, the Deputy or Assistant Charity Commissioner shall make an inquiry in the prescribed manner for the purpose of ascertaining :— Inquiry for registration.

[2][(i) whether a trust exists and whether such trust is a public trust],

(ii) whether any property is the property of such trust,

(iii) whether the whole or any substantial portion of the subject-matter of the trust is situate within his jurisdiction,

[1] This sub-section was added by Bom. 23 of 1955, s. 2(2).
[2] This clause was substituted for the original by Bom. 14 of 1951, s. 6.

(iv) the names and addresses of the trustees and manager of such trust,

(v) the mode of succession to the office of the trustee of such trust,

(vi) the origin, nature and object of such trust,

(vii) the amount of gross average annual income and expenditure of such trust, and

(viii) any other particulars as may be prescribed under sub-section (*5*) of section 18.

Findings of Deputy or Assistant Charity Commissioners.

20. On completion of the inquiry provided for under section 19, the Deputy or Assistant Charity Commissioner shall record his findings with the reasons therefor as to the matters mentioned in the said section, [1][and may make an order for the payment of the registration fee].

Entries in register.

21. (*1*) The Deputy or Assistant Charity Commissioner shall make entries in the register kept under section 17 in accordance with the findings recorded by him under section 20 or if appeals [2][or applications] are made as provided by this Act, in accordance with the final decision of the competent authority provided by this Act.

(*2*) The entries so made shall, subject to the provisions of this Act and subject to any change recorded under the following provisions, be final and conclusive.

Change.

22. (*1*) Where any change occurs in any of the entries recorded in the register kept under section 17, the trustee shall, within 90 days from the date of the occurrence of such change, or where any change is desired in such entries in the interest of the administration of such public trust, report such change or proposed change to the Deputy or Assistant Charity Commissioner in charge of the Public Trusts Registration Office where the register is kept. Such report shall be made in the prescribed form.

(*2*) For the purpose of verifying the correctness of the entries in the register kept under section 17 or ascertaining whether any change has occurred in any of the particulars recorded in the register, the Deputy or Assistant Charity Commissioner may hold an inquiry.

(*3*) If the Deputy or Assistant Charity Commissioner, as the case may be, after receiving a report under sub-section (*1*) and holding an inquiry, if necessary under sub-section (*2*), or merely after holding an inquiry under the said sub-section (*2*), is satisfied that a change has occurred in any of the entries recorded in the register kept under section 17 in regard to a particular public trust, he shall record a finding with the reasons therefor to that effect. Such finding shall be appealable to the Charity Commissioner. The Deputy or Assistant Charity Commissioner shall amend the entries in the said register in accordance with such finding and if appeals [2][or applications] were made against such finding, in accordance with the final decision of the competent authority provided by this Act. The amendments in the entries so made shall, subject to any further amendment on the occurrence of a change, be final and conclusive.

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[1] These words were added by Bom. 28 of 1953, s. 3.
[2] These words were inserted by Bom. 14 of 1951, s. 7.

Further inquiry by Deputy or Assistant Charity Commissioner.

[1][22A. If at any time after the entries are made in the register under section 21 or 22 it appears to the Deputy or Assistant Charity Commissioner that any particular relating to any pubic trust, which was not the subject-matter of the inquiry under section 19, or sub-section (*3*) of section 22, as the case may be, has remained to be enquired into, the Deputy or Assistant Charity Commissioner, as the case may be, may make further inquiry in the prescribed manner, record his findings and make entries in the register in accordance with the decision arrived at or if appeals or applications are made as provided by this Act, in accordance with the decision of the competent authority provided by this Act. The provisions of sections 19, 20, 21 and 22 shall, so far as may be, apply to the inquiry, the recording of findings and the making of entries in the register under this section].

Registration of trust property in the name of public trust, which has already been registered, etc.

[2][22B. (*1*) In the case of a public trust,—

(*a*) which is deemed to have been registered under this Act under section 28, or

(*b*) which has been registered under this Act before the date of the coming into force of the Bombay Public Trusts (Amendment) Act, 1955 (hereinafter referred to as the said date) on an application made under section 18, or

Bom. 23 of 1955.

(*c*) in respect of which an application for registration has been made under section 18 and such application was pending on the said date,

the trustee of such public trust shall within three months from the said date make an application in writing for registration of the property of the public trust in the name of such trust and shall state in the application the name of the public trust.

(*2*) Such application shall be signed and verified in the prescribed manner by the trustee or his agent specially authorised by him in this behalf and made to the Deputy or Assistant Charity Commissioner who made entries in respect of such public trust in the register kept under section 17 or with whom the application for registration of the public trust was pending, as the case may be.

(*3*) On receipt of such application, the Deputy or Assistant Charity Commissioner shall—

(*a*) in the case of a public trust which is deemed to have been registered under section 28 or which has been registered under this Act before the said date specify the name of the public trust against the entries made in respect of such trust in the register kept under section 17, and

(*b*) in the case of a public trust the application for the registration of which was pending on the said date specify the name of the public trust at the time of making entries under section 21 in respect of such public trust in the register kept under section 17.

Registration of particulars of immovable property of trusts already registered with certain officers and authorities.

22C. In the case of a public trust,—

(*a*) which is deemed to have been registered under this Act under section 28, or

(*b*) which has been registered under this Act before the coming into force of the Bombay Public Trusts (Amendment) Act, 1955 (hereinafter referred to as the said date) on an application made under section 18, or

Bom. 23 of 1955.

(*c*) in respect of which an application has been made under section 18 and such application was pending on the said date,

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[1] This section was inserted by Bom. 59 of 1954, s. 2.
[2] Sections 22B and 22C were inserted by Bom. 23 of 1955, s. 3.

the trustee of such public trust shall within three months from the said date send a memorandum in the prescribed form containing the particulars, including the name and description of the public trust, relating to the immovable property of such public trust to the officers and authorities specified in sub-section (*7*) of section 18 for the purposes of registration in the registers maintained under section 28B.

Such memorandum shall be signed and verified in the prescribed manner by the trustee or his agent specially authorised by him in this behalf.]

Procedure where trust property is situate in several regions or sub-regions.

23. If any part of the property of any public trust is situate within the limits of more than one region or sub-region, the Deputy or Assistant Charity Commissioner of the region or sub-region within the limits of which the public trust is registered, shall forward a copy of the entries to the Deputy or Assistant Charity Commissioner in charge of the region or sub-region within the limits of which such part of the trust property is situate. The Deputy or Assistant Charity Commissioner in charge of such region or sub-region shall make an entry in such book as may be prescribed for the purpose. A copy of such entry shall also be sent by the Deputy or the Assistant Charity Commissioner, as the case may be, to the Sub-Registrar appointed under the Indian Registration Act, 1908, of the sub-district within the limits of which such property or part thereof is situate. XVI of 1908.

Stay of inquiry.

24. No Deputy or Assistant Charity Commissioner shall proceed with an inquiry under section 19 or 22 in regard to any public trust which has been already registered in any other region or sub-region.

Inquiry regarding public trust not to be held by more than one Deputy or Assistant Charity Commissioner.

25. (*1*) If an inquiry under section 19 or 22 in regard to any public trust is pending before more than one Charity Commissioner whether Deputy or Assistant, the Charity Commissioner shall, on the application of any of the persons having interest in such public trust or of any Deputy or Assistant Charity Commissioner before whom such inquiry is pending or on his own motion, determine which of such Deputy or Assistant Charity Commissioner shall proceed with the inquiry in regard to such trust.

(*2*) The determination of the Charity Commissioner under sub-section (*1*) shall be final and conclusive ; and upon such determination, no Deputy or Assistant Charity Commissioner other than the Deputy or Assistant Charity Commissioner specified by the Charity Commissioner shall proceed with the inquiry in regard to the public trust under section 19 or 22, as the case may be.

Court to forward copy of decision to Charity Commissioner.

26. Any Court of competent jurisdiction deciding any question relating to any public trust which by or under the provisions of this Act is not expressly or impliedly barred from deciding shall cause copy of such decision to be sent to the Charity Commissioner and the Charity Commissioner shall cause the entries in the register kept under section 17 to be made or amended in regard to such public trust in accordance with such decision. The amendments so made shall not be altered except in cases where such decision has been varied in appeal or revision by a court of competent jurisdiction. Subject to such alterations, the amendments made shall be final and conclusive.

27. [*Stamping of scrips.*] *Repealed by Bom. 39 of 1951, s. 2, First Schedule.*

Public trust previously registered under enactments specified in Schedule.

28. (*1*) All public trusts registered under the provisions of any of the enactments specified in [1][Schedule A] shall be deemed to have been registered under this Act from the date on which this Act may be applied to them. The Deputy or Assistant Charity Commissioner of the region or sub-region within the limits of which [2][a public trust had been registered under any of the said enactments] shall issue notice to the trustee of such trust for the purpose of recording entries relating to such trust in the register kept under section 17 and shall after hearing the trustee and making such inquiry as he thinks fit record findings with the reasons therefor. Such findings shall be in accordance with the entries in the registers already made under the said enactments subject to such changes as may be necessary or expedient.

(*2*) Any person aggrieved by any of the findings recorded under sub-section (*1*) may appeal to the Charity Commissioner.

(*3*) The provisions of this Chapter shall, so far as may be, apply to the making of entries in the register kept under section 17 and the entries so made shall be final and conclusive.

Copy of entries relating to immovable property to be sent to sub-registrar, revenue and local authorities.

[3][**28A.** The Deputy or Assistant Charity Commissioner shall send a memorandum in the prescribed form containing entries including the entry of the name and description of the public trust, relating to immovable property of such public trust made by him in the register kept under section 17—

(*i*) to the sub-registrar of the sub-district appointed under the Indian Registration Act, 1908, in which such immovable property is situate,

XVI of 1908.

(*ii*) in the City of Bombay, to the Collector of Bombay and elsewhere, to the Mamlatdar of the taluka within the limits of which such immovable property is situate, and

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[1] This word and letter were substituted for the words "the Schedule" by Bom. 14 of 1951, s. 8 (*i*).
[2] These words were substituted for the words "the trust property or the substantial portion of the trust property is situate," *ibid.*, s. 8(*ii*).
[3] Sections 28A and 28B were inserted by Bom. 23 of 1955, s. 4.

(*iii*) to the village panchayat constituted under the Bombay Village Panchayats Act, 1933, or the municipality constituted under the Bombay District Municipal Act, 1901, or the Bombay Municipal Boroughs Act, 1925, or the municipal corporation constituted under the Bombay Municipal Corporation Act or the Bombay Provincial Municipal Corporations Act, 1949, within the local limits of which such immovable property is situate. Bom. VI of 1933. Bom. III of 1901. Bom. XVIII of 1925. Bom. III of 1888. Bom. LIX of 1949.

Duty of certain officers and authorities to maintain registers of trust property.

28B. (*1*) Notwithstanding anything contained in any law for the time being in force, it shall be the duty of the officers and authorities specified in sub-section (*7*) of section 18 to keep and maintain a separate register of the memoranda sent to them under sub-section (*7*) of section 18, and sections 22C and 28A in such manner as may be prescribed.

(*2*) Any person shall be entitled to inspect and to take extracts from any register maintained under this section on payment of such fee and subject to such conditions as may be prescribed.]

Public trust created by will.

29. In the case of the public trust which is created by a will, the executor of such will shall within one month from the date on which the probate of the will is granted or within six months from the date of the testator's death [1][whichever is earlier] make an application for the registration in the manner provided in section 18 and the provisions of this Ghapter shall *mutatis mutandis* apply to the registration of such trust :

[2][Provided that the period prescribed herein for making an application for registration may, for sufficient cause, be extended by the Deputy or Assistant Charity Commissioner concerned.]

Notice of particulars of immovable * * * property entered in register.

30. Any person acquiring any immovable property [3]* * belonging to a public trust which has been registered under this Ghapter or any part of or any share or interest in such property [3]* * of such trust shall be deemed to have notice of the relevant particulars relating to such trust entered in the register, [5][or in the registers maintained under section 28B.]

[6][*Explanation.*—For the purposes of this section, a person shall be deemed to have notice of any particulars in the registers,—

(*1*) when he actually knows the said particulars or when, but for wilful abstention from any inquiry or search which he ought to have made, or gross negligence, he would have known them;

(*2*) if his agent acquires notice thereof whilst acting on his behalf in the course of business to which the fact of such particulars is material.]

Bar to hear or decide suits.

31. (*1*) No suit to enforce a right on behalf of a public trust which has not been registered under this Act shall be heard or decided in any Court.

(*2*) The provisions of sub-section (*1*) shall apply to a claim of set off or other proceeding to enforce a right on behalf of such public trust.

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[1] These words were inserted by Bom. 14 of 1951, s. 9 (*i*).
[2] This proviso was added, *ibid.*, s. 9 (*ii*).
[3] The words "or scrip" were deleted by Bom. 39 of 1951, s. 2, First Schedule.
[4] The words "and scrips" were deleted, *ibid.*
[5] These words, figures and letter were inserted by Bom. 23 of 1955, s. 5 (*1*).
[6] This Explanation was added, *ibid.*, s. 5(*2*).

CHAPTER V.

ACCOUNTS AND AUDIT.

Maintenance of accounts.

32. (*1*) Every trustee of a public trust which has been registered under this Act shall keep regular accounts.

(*2*) Such accounts shall be kept in such form as may be approved by the Charity Commissioner and shall contain such particulars as may be prescribed.

Balancing and auditing of accounts.

33. (*1*) The accounts kept under section 32 shall be balanced each year on the thirty-first day of March or such other day, as may be fixed by the Charity Commissioner.

(*2*) The accounts shall be audited annually in such manner as may be prescribed and by a person [1][who is a chartered accountant within the meaning of the Chartered Accountants Act, 1949] or by such persons as may be authorised in this behalf by the State Government.

XXXVIII of 1949.

(*3*) Every auditor acting under sub-section (*2*) shall have access to the accounts and to all books, vouchers, other documents and records in the possession of or under the control of the [2][trustee].

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[1] These words and figures were substituted for the original words by Bom. 14 of 1951, s. 10.
[2] This word was substituted for the word "manager" by Bom. 28 of 1953, s. 4(*1*).

(*4*) Notwithstanding anything contained in the preceding sub-sections,—

[1][(*a*)] the Charity Commissioner may direct a special audit of the accounts of any public trust whenever in his opinion such special audit is necessary. The provisions of sub-sections (*2*) and (*3*) shall, so far as may be applicable, apply to such special audit. The Charity Commissioner may direct the payment of such fee as may be prescribed for such special audit; [2][and

(*b*) the State Government may, by general or special order, exempt any public trust or class of public trusts from the provisions of sub-section (*2*), subject to such conditions as may be specified in the order.]

34. (*1*) It shall be the duty of every auditor auditing the accounts of a pul trust under section 33 to prepare a balance sheet and income and expendit account and to forward a copy of the same to the Deputy or Assistant Char Commissioner of the region or sub-region or to the Charity Commissioner, if ... Charity Commissioner requires him to do so. heet ...port irregularities, etc.

(*2*) The auditor shall in his report specify all cases of irregular, illegal or improper expenditure, or failure or omission to recover moneys or other property belonging to the public trust or of loss or waste of money or other property thereof and state whether such expenditure, failure, omission, loss or waste was caused in consequence of a breach of trust, or misapplication or any other misconduct on the part of the trustees, or any other person.

35. [3][(*1*)] Where the trust property consists of money and cannot be applied immediately or at any early date to the purposes of the public trust the trustee shall be bound [4][(notwithstanding any direction contained in the instrument of the trust) to deposit the money in any Scheduled Bank as defined in the Reserve Bank of India Act, 1934, in the Postal Savings Bank or in a co-operative bank approved by the State Government for the purpose or to invest it in public securities] : Investment of public trust money.

II of 1934.

Provided that such money may be invested in the first mortgage of immovable property situate in a Part A State or a Part C State if the property is not leasehold for a term of years and the value of the property exceeds by one-half the mortgage money :

Provided further that the Charity Commissioner may by general or special order permit the trustee of any public trust or classes of such trusts to invest the money in any other manner.

[5][(*2*) Nothing in sub-section (*1*) shall affect any investment or deposit already made before the coming into force of the Bombay Public Trusts (Amendment) Act, 1954, in accordance with a direction contained in the instrument of the trust :

Bom. of 59 1954.

Provided that any interest or dividend received or accruing from such investment or deposit on or after the coming into force of the said Act or any sum realized on the maturity of the said investment or deposit shall be applied or invested in the manner prescribed in sub-section (*1*).]

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[1] The brackets and letter "(*a*)" were inserted by Bom. 28 of 1953, s. 4 (*2*).
[2] This word and clause (*b*) were added, *ibid.*
[3] This section was renumbered as sub-section (*1*) of that section by Bom. 59 of 1954, s. 3 (*1*).
[4] This portion was substituted for the original, *ibid.*
[5] This sub-section was inserted, *ibid.*, s. 3 (*2*).

Alienation of immovable property of public trust.

36. Subject to the directions in the instrument of trust—

(*a*) no sale, mortgage, exchange or gift of any immovable property, and

(*b*) no lease for a period exceeding ten years in the case of agricultural land or for a period exceeding three years in the case of non-agricultural land or a building,

belonging to a public trust, shall be valid without the previous sanction of the Charity Commissioner.

CHAPTER VI.

CONTROL.

Power of inspection and supervision.

37. The Charity Commissioner, the Deputy or Assistant Charity Commissioner or any officer authorised by the State Government by a general or special order shall have power—

(*a*) to enter on and inspect or cause to be entered on and inspected any property belonging to a public trust;

(*b*) to call for or inspect any extract from any proceedings of the trustees of any public trust and any book or account in the possession of or under the control of the trustees;

(*c*) to call for any return, statement, account or report which he may think fit from the trustees or any person connected with a public trust:

Provided that in entering upon any property belonging to the public trust the officers making the entry shall give reasonable notice to the trustee and shall have due regard to the religious practices or usages of the trust.

Explanation on report of auditor.

38. On receipt of a report of the auditor under section 34 [1][or of a report, if any, made by an officer authorized under section 37] the Deputy or Assistant Charity Commissioner to whom the report is submitted shall require the trustee or any other person concerned to submit an explanation thereon within such period as he thinks fit.

Report to Charity Commissioner.

39. If on the consideration [2][of any report referred to in section 38], the accounts and explanation, if any, furnished by the trustees or any other person, the Deputy or Assistant Charity Commissioner is, after holding an inquiry in the prescribed manner, satisfied that the trustees or any other person has been guilty of gross negligence, a breach of trust, misapplication or misconduct which has resulted in the loss to the public trust, he shall report the matter to the Charity Commissioner.

Decision of Charity Commissioner on report under section 39.

40. The Charity Commissioner shall, after considering the report of the Deputy or Assistant Charity Commissioner, giving an opportunity to the person concerned and holding such inquiry as he thinks fit, determine—

(*a*) the amount of loss caused to a public trust;

(*b*) whether such loss was due to any breach of trust, misapplication or misconduct on the part of any person;

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[1] These words and figures were inserted by Bom. 28 of 1953, s. 5.

[2] These words and figures were substituted for the words "of the report of the auditor", *ibid.*, s. 6.

(*c*) whether any of the trustees, or any other person was responsible for such loss;

(*d*) the amount which any of the trustees or any other person is liable to pay to the public trust for such loss.

Order of surcharge.

41. (*1*) If the Charity Commissioner decides that any person is liable to pay to the public trust any amount for the loss caused to the trust, the Charity Commissioner may direct that the amount shall be surcharged on the person.

(*2*) Subject to the provisions of section 72 the order of the Charity Commissioner under sub-section (*1*) shall be final and conclusive.

CHAPTER VII.

Other Functions and Powers of Charity Commissioner.

Charity Commissioner to be corporation sole.

42. The Charity Commissioner shall be a corporation sole and shall have perpetual succession and a common seal and may sue and be sued in his corporate name.

Charity Commissioner to be Treasurer of Charitable Endowments under Act VI of 1890.

VI of 1890.

43. Notwithstanding anything contained in the Charitable Endowments Act, 1890, the Charity Commissioner shall be deemed to be and to have always been the Treasurer of Charitable Endowments for the State of Bombay appointed under the provisions of the said Act, and the property vesting in the said Treasurer before the date on which this Act comes into force shall be deemed to vest in the Charity Commissioner as the Treasurer of Charitable Endowments; and the provisions of the said Act shall apply to the Charity Commissioner, as the Treasurer of Charitable Endowments appointed under the said Act.

Charity Commissioner can act as trustee of public trusts.

44. (*1*) Subject to the provisions of this Act [1][and] the rules made thereunder the Charity Commissioner may be appointed to act as a trustee of a public trust by a Court of competent jurisdiction or by the author of the trust.

(*2*) Save as herein provided, the Charity Commissioner acting as a trustee of a public trust shall have the same powers, duties and liabilities, and be entitled to the same rights and privileges as any other trustee of a public trust.

(*3*) The Charity Commissioner may decline, either absolutely or except on such conditions as he may impose, to accept any trust.

(*4*) The Charity Commissioner shall be the sole trustee and it shall not be lawful to appoint him as a trustee along with other persons.

Charity Commissioner may with consent be appointed trustee of settlement by gra

45. (*1*) Any person intending to create a public trust may by the instrument creating the trust and with the consent of the Charity Commissioner appoint him by that name or any other description to be the trustee of such trust:

Provided that the consent of the Charity Commissioner shall be recited in the said instrument and that such instrument shall be executed by the Charity Commissioner or any officer duly authorised by him in that behalf.

[1] This word was substituted for the word "or" by Bom. 14 of 1951, s. 11.

(2) Upon such appointment the trust property shall vest in the Charity Commissioner and shall be held by him upon the terms declared in such instrument.

Appointment of Charity Commissioner as trustee under will.

46. Where the Charity Commissioner by that name or any other sufficient description has been appointed a trustee of any public trust under any will, the executor of the will of the testator or the administrator of his estate shall [1][within a period of three months from the date of] obtaining probate or letters of administration, notify in the prescribed manner, the contents of such will to the Charity Commissioner and if the Charity Commissioner consent to accept the trust, then upon the execution by such executor or administrator of an instrument in writing transferring the property subject to the trust to the Charity Commissioner, such property shall vest in the Charity Commissioner and shall be held by him upon the trust expressed in the will:

Provided that the consent of the Charity Commissioner shall be recited in the instrument and that such instrument shall be executed by the Charity Commissioner or any officer duly authorised by him in that behalf:

[2][Provided further that where, under any law for the time being in force, no probate or letters of administration are necessary for the administration of the estate of the testator, the executor or administrator, as the case may be, shall notify the contents of the will within the period of three months from the time when contents of the will became known to him.]

Power of Court to appoint new trustee or trustees, as the case may be.

47. (1) Any person interested in a public trust or the Charity Commissioner may apply to the Court for the apopintment of a new trustee, when a trustee of such trust—

(*a*) disclaims or dies;

(*b*) is for a continuous period of six months absent from India without the leave of the Charity Commissioner or Deputy or Assistant Charity Commissioner or the Officer authorised by the State Government in this behalf;

(*c*) leaves India for the purpose of residing abroad;

(*d*) is declared an insolvent;

(*e*) desires to be discharged from the trust;

(*f*) refuses to act as a trustee;

(*g*) becomes in the opinion of the Court unfit or physically incapable to act in the trust or accepts a position which is inconsistent with the trust; or

(*h*) in any of the cases mentioned in Chapter III is not available to administer the trust.

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[1] These words were substituted for the word "after" by Bom. 14 of 1951, s. 12 (*i*).
[2] This proviso was added, *ibid.*, s. 12 (*ii*).

(*2*) No such application shall be entertained,—

(*a*) unless the trustee who on account of any of the reasons mentioned in clauses (*a*) to (*h*) of sub-section (*1*) is not fit or available to administer the trust is the sole trustee or unless by the vacation of office by one or more trustees on account of any of the said reasons the minimum number of trustees required by the instrument, scheme, order or decree of the Court or usage or custom of the trust for the administration of the trust is reduced ;

(*b*) (*i*) until the expiration of a period of three months from the date on which the trustee is not so fit or available to administer the trust ; and

(*ii*) if a new trustee has been appointed in the said office during the said period in accordance with the instrument, scheme, order or decree of the Court, or custom or usage of the trust.

(*3*) The Court after making an inquiry [1][may by order appoint] the Charity Commissioner or any other person as the trustee to fill up the vacancy.

(*4*) In appointing the trustee under sub-section (*3*) the Court shall have regard—

(*a*) to the wishes of the author of the trust ;

(*b*) to the wishes of the person, if any, empowered to appoint a new trustee;

(*c*) to the question whether the appointment will promote or impede the execution of the trust;

(*d*) to the interest of the public or the section of the public who have interest in the trust; and

(*e*) to the custom and usage of the trust.

(*5*) Where the Charity Commissioner is appointed a trustee, he shall be the sole trustee.

(*6*) The [2][order] of the Court under sub-section (*3*) shall be deemed to be the decree of the Court and an appeal shall lie therefrom to the High Court.

[3][**47A.** It shall be lawful for the Court upon making any order appointing a new trustee under sub-section (*3*) of section 47, either by the same or by any subsequent order to direct that any property subject to the trust shall vest in the person so appointed.] Power to Court to vest property in new trustee.

[4][**47B.** Nothing in section 44 or 47— Court not to appoint Charity Commissioner as trustee of religious trust and Charity Commissioner not to accept such trust if management of religious affairs is involved.

(*a*) shall empower any Court to appoint the Charity Commissioner to be a trustee of any public trust for a religious purpose, or

(*b*) shall entitle the Charity Commissioner to accept any trust, if such acceptance requires the Charity Commissioner to manage the affairs of any religious denomination or any section thereof in the matter of religion :

Provided that if the author of the public trust for a religious purpose so intends, or the person or the authority in whom or which the property of such public trust vests deems it expedient in public interest, the Court may appoint the Charity Commissioner the sole trustee of such public trust or the Charity Commissioner may accept such trust.]

48. (*1*) When the Charity Commissioner is appointed a trustee of any public trust, there shall be levied such administrative charges whether by way of percentage or otherwise, as the State Government may prescribe. Levy of administrative charges.

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[1] These words were substituted for the words " may appoint " by Bom. 28 of 1953, s. 7 (*1*).
[2] This word was substituted for the word " decision ", *ibid.*, s. 7(*2*).
[3] Section 47A was inserted, *ibid.*, s. 8.
[4] Section 47B was inserted by Bom. 59 of 1954, s. 4.

(*2*) The charges so levied may be at different rates for different properties or classes of properties or for different duties.

Transfer of property by Charity Commissioner.

49. (*1*) Nothing in this Act shall be deemed to prevent the transfer, by the Charity Commissioner, of any property vested in him as a trustee, to—

(*a*) the original trustee (if any),

(*b*) any other lawfully appointed trustee, or

(*c*) any other person, if the court so directs.

(*2*) Upon such transfer, such property shall vest in such trustee and shall be held by him upon the same terms as those upon which it was held prior to the transfer and the Charity Commissioner shall be exempt from all liability as trustee of such property except in respect of acts done before such transfer :

Provided that in the case of any transfer under this section, the Charity Commissioner shall be entitled to retain out of the property any fees and administrative charges leviable in accordance with the provisions of this Act.

Suits relating to public trusts.

50. In any case—

(*i*) where it is alleged that there is a breach of a public trust,

(*ii*) where a declaration is necessary that a particular property is a property belonging to a public trust or where a direction is required to recover the possession of such property [1][or the proceeds thereof or for an account of such property or proceeds] from any person including a person holding adversely to the public trust, or

(*iii*) where the direction of the court is deemed necessary for the administration of any public trust,

the Charity Commissioner or two or more persons having an interest in the trust and having obtained the consent in writing of the Charity Commissioner as provided in section 51 may institute a suit whether contentious or not in the court within the local limits of whose jurisdiction the whole or part of the subject matter of the trust is situate, to obtain a decree for any of the following reliefs :—

(*a*) an order for the recovery of the possession of such property [2][or proceeds thereof]

(*b*) the removal of any trustee or manager,

(*c*) the appointment of a new trustee or manager,

[3][(*cc*) vesting any property in a trustee],

(*d*) a direction for taking accounts and making certain inquiries,

(*e*) a declaration as to what proportion of the trust property or of the interest therein shall be allocated to any particular object of the trust,

(*f*) a direction authorising the whole or any part of the trust property to be let, sold, mortgaged or exchanged,

(*g*) the settlement of a scheme or variations or alterations in a scheme already settled, or

(*h*) granting such further or other relief as the nature of the case may require :

Provided that no suit claiming any of the reliefs specified in this section shall be instituted in respect of any public trust except in conformity with the provisions thereof.

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[1] These words were inserted by Bom. 23 of 1955, s. 6 (*1*).

[2] These words were added, *ibid*, s. 6 (*2*).

[3] Clause (*cc*) was inserted by Bom. 28 of 1953, s. 9.

Consent of Charity Commissioner for institution of suit.

51. (*1*) If the persons having an interest in any public trust intend to file a suit of the nature specified in section 50, they shall apply to the Charity Commissioner in writing for his consent. The Charity Commissioner, after hearing the parties and after making such inquiry as he thinks fit, may within a period of six months from the date on which the application is made, grant or refuse his consent to the institution of such suit. The order of the Charity Commissioner refusing his consent shall be in writing and shall state the reasons for the refusal.

(*2*) If the Charity Commissioner refuses his consent to the institution of the suit under sub-section (*1*) the persons applying for such consent may file an appeal to the Bombay Revenue Tribunal constituted under the Bombay Revenue Tribunal Act, 1939, in the manner provided by this Act.

Bom. XII of 1939.

(*3*) In every suit filed by persons having interest in any trust under section 50, the Charity Commissioner shall be a necessary party.

(*4*) Subject to the decision of the Bombay Revenue Tribunal in appeal under section 71, the decision of the Charity Commissioner under sub-section (*1*) shall be final and conclusive.

Non-application of sections 92 and 93 of Civil Procedure Code to public trusts.

V of 1908.

52. [1][(*1*) Notwithstanding anything contained in the Code of Civil Procedure, 1908, the provisions of sections 92 and 93 of the said Code shall not apply to the public trusts :

[2][[3][(*2*) If]] on the date of the application of the Act to any public trust any legal proceedings in respect of such trust are pending before [4][any Civil Court of competent jurisdiction] to which the Advocate General or the Collector exercising the powers of the Advocate General is a party, the Charity Commissioner shall be deemed to be substituted in those proceedings for the Advocate General or the Collector, as the case may be, and such proceedings shall be disposed of by such Court.]

[5][(*3*) Any reference to the Advocate General made in any instrument, scheme, order or decree of any Civil Court of competent jurisdiction made or passed, whether before or after the said date, shall be construed as a reference to the Charity Commissioner.]

Suit against assignee for valuable consideration not barred by time.

IX of 1908.

[6][**52A.** Notwithstanding anything contained in the Indian Limitation Act, 1908, no suit against an assignee for valuable consideration of any immovable property of the public trust which has been registered or is deemed to have been registered under this Act for the purpose of following in his hands, such property or the proceeds thereof, or for an account of such property or proceeds, shall be barred by any length of time.]

Bequest under will for benefit of public trust.

53. (*1*) Where under any will a bequest has been made in favour of a public trust or where such bequest itself creates a public trust, it shall be the duty of the executor under the will to forward a copy thereof to the Deputy or Assistant Charity Commissioner for the region or sub-region where [7][such trust] may have been, or is required to be, registered.

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[1] Section 52 was re-numbered as sub-section (*1*) of that section by Bom. 28 of 1953, s. 10 (*1*).
[2] This portion was added by Bom. 14 of 1951, s. 13.
[3] The brackets, figure and word "(*2*) If" were substituted for the words "Provided that if" by Bom. 28 of 1953, s. 10 (*1*).
[4] These words were substituted for the words "Any Court including the High Court", *ibid.*, s. 10 (*2*).
[5] Sub-section (*3*) was inserted, *ibid.*, s. 10 (*3*).
[6] This section was inserted by Bom. 23 of 1955, s. 7.
[7] These words were substituted for the words "such will", by Bom. 28 of 1953, s. 11.

(*2*) No probate of any such will or letters of administration with such will annexed shall be granted by any Court whatsoever unless it is satisfied that a copy of such will has been forwarded to the Deputy or Assistant Charity Commissioner as provided by sub-section (*1*).

Dharmada.

54. (*1*) Where according to the custom or usage of any business or trade or the agreement between the parties relating to any transaction any amount is charged to any party to the said transaction or collected under whatever name, as being intended to be used for a charitable or religious purpose the amount so charged or collected [1][(in this Act called— " dharmada ")] shall vest in the person charging or collecting the same as a trustee.

(*2*) Any person charging or collecting such sums shall within three months from the expiration of the year for which his accounts are ordinarily kept submit an account in such form as may be prescribed to the Deputy or Assistant Charity Commissioner.

(*3*) The Deputy or Assistant Charity Commissioner shall have power to make such inquiry as he thinks fit to verify the correctness of the account submitted and may pass order for the disposal of the amount in the manner prescribed.

[2][(*4*) The provisions of Chapter IV shall not apply to dharmada.]

Cypres.

55. (*1*) [3][If upon an application made to him or otherwise] the Charity Commissioner is of opinion that—

(*a*) the original object for which the public trust was created has failed,

(*b*) the income or any surplus balance of any public trust has not been utilized or is not likely to be utilized,

(*c*) [4][in the case of a public trust other than a trust for a religious purpose, it is not in public interest] expedient, practicable, desirable, necessary or proper to carry out wholly or partially the original intention of the author of the public trust or the object for which the public trust was created and that the property or the income of the public trust or any portion thereof should be applied to any other charitable or religious object,

(*d*) in any of the cases mentioned in sections 10 to 13 or in regard to the appropriation of the dharmada sums held in trust under section 54 the directions of the court are necessary,

the Charity Commissioner shall [5][require the trustees to apply within the prescribed time for directions to the Court within the local limits of whose jurisdiction the whole or part of the subject matter of the trust is situate.]

(*2*) If the trustees fail to make the application as required under sub-section (*1*) or if the Charity Commissioner himself is a trustee or if there is no trustee of the public trust, the Charity Commissioner shall make an application to the court.

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[1] These brackets and words were inserted by Bom. 14 of 1951, s. 14(*i*).

[2] Sub-section (*4*) was added, *ibid.*, s. 14 (*ii*).

[3] These words were substituted for the words " If at any time " by Bom. 28 of 1953, s. 12 (*i*).

[4] These words were substituted for the words " it is not in public interest " by Bom. 59 of 1954, s. 5.

[5] These words were substituted for the words " give notice in writing to the trustees to apply to the Court within the time prescribed for directions " by Bom. 28 of 1953, s. 12 (*ii*).

Court's power to hear application.

56. (*1*) On such application being made, the court after hearing the parties and making an inquiry shall decide the matter and shall give directions. In giving the directions, the court shall, so far as may be expedient, practicable, desirable [1][, necessary or proper] in public interest, give effect to the original intention of the author of the public trust or the object for which the public trust was created. If the Court is of opinion that the carrying out of such intention or object is not wholly or partially expedient, practicable, desirable [1][, necessary or proper] in public interest the court may direct the property or income of the public trust or any portion thereof to be applied *cypres* to any other charitable or religious object. In doing so, it shall be lawful for the court to alter any scheme already settled to to vary the terms of any decree or order already passed in respect of the public trust or the conditions contained in the instrument of the public trust.

(*2*) Any decision or order passed by the court under sub-section (*1*) shall be deemed to be a decree of such court and an appeal shall lie therefrom to the High Court.

Powers of trustee to apply for directions.

[2]**[56A.** (*1*) Save as hereinbefore provided in this Act, any trustee of a public trust may apply to the Court, within the local limits of whose jurisdiction the whole or part of the subject-matter of the trust is situate, for the opinion, advice or direction of the Court on any question affecting the management or, administration of the trust property or income thereof, and the Court shall give its opinion, advice, or direction, as the case may be, thereon :

Provided that the Court shall not be bound to give such opinion, advice or direction on any question which it considers to be a question not proper for summary disposal.

(*2*) The Court, on an application under sub-section (*1*), may give its opinion, advice or direction thereon after giving notice to the Charity Commissioner. The Court before giving any opinion, advice or direction shall afford a reasonable opportunity of being heard to all persons appearing in connection with the application.

(*3*) A trustee stating in good faith the facts of any matter relating to the trust in an application under sub-section (*1*), and acting upon the opinion, advice or direction of the Court given thereon, shall be deemed, as far as his own responsibility is concerned, to have discharged his duty as such trustee in the matter in respect of which the application was made.

(*4*) No appeal shall lie against any opinion, advice or direction given under this section.

Proceedings involving question affecting public charitable or religious purpose.

56B. (*1*) In any suit or legal proceedings in which it appears to the Court that any question affecting a public religious or charitable purpose is involved, the Court shall not proceed to determine such question until after notice has been given to the Charity Commissioner.

(*2*) If upon the receipt of such notice or otherwise the Charity Commissioner makes any application in that behalf, he shall be added as a party at any stage of such suit or proceedings.

(*3*) In this section "Court" shall mean any Civil Court of competent jurisdiction in the State of Bombay.]

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[1] These words were substituted for the words "or necessary" by Bom. 59 of 1954, s. 6.
[2] Sections 56A and 56B were inserted by Bom. 28 of 1953, s. 13.

CHAPTER VIII.

PUBLIC TRUSTS ADMINISTRATION FUND.

Public Trusts Administration Fund.

57. (*1*) There shall be established a fund to be called the Public Trusts Administration Fund. The Fund shall vest in the Charity Commissioner.

(*2*) The following sums shall be credited to the said Fund, namely :—

(*a*) fees and administrative charges leviable under sections 18 and 48 ;

(*b*) contributions made under section 58 ;

(*c*) the amount from the funds or the portion thereof credited under section 61 ;

(*d*) any sum received from a private person ;

(*e*) any sum allotted by the State Government or any local authority ; and

(*f*) any other sum which may be directed to be credited by or under the provisions of this Act.

Contribution by public trusts to Public Trusts Administration Fund.

58. Every public trust shall pay to the Public Trusts Administration Fund annually such contribution on such date and in such manner as may be prescribed :

[1][Provided that the contribution prescribed under this section shall,—

(*i*) in the case of a dharmada, be fixed at rates in proportion to the gross annual collection or receipts of the dharmada ;

(*ii*) in the case of other public trusts, be fixed at rates in proportion to the gross annual income of such public trust.]

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[1] This proviso was substituted for the original by Bom. 14 of 1951, s. 15 (*1*).

[1][*Explanation.*—For the purposes of this section, the gross annual income shall include gross income from all sources in a year excluding donations given or offerings made with a specific direction that they shall form part of the corpus of the public trust :

Provided that the interest or income accruing from such donations or offerings in the years following that in which they were given or made shall be taken into account in calculating the gross annual income.]

Penalties as recovery of contribution.

59. (*1*) If the trustee of a public trust (other than the Charity Commissioner) [2][or the person charging or collecting dharmada] fails to pay the contribution under section 58, he shall be liable to penalties provided in section 66.

(*2*) The Charity Commissioner may also make an order directing the bank in which or any person with whom any moneys belonging to the public trust are deposited to pay the contribution from such moneys as may be standing to the credit of the public trust or may be in the hands of such person or may from time to time be recovered from or on behalf of the public trust by way of deposit by such bank or person and such bank or person shall be bound to obey such order. Every payment made pursuant to such order shall be a sufficient discharge to such bank or person from all liability to the public trust in respect of any sum or sums so paid by it or him out of the moneys belonging to the public trust so deposited with the bank or person.

(*3*) Any bank or person who has been ordered under sub-section (*2*) to make the payment may appeal to the State Government and the State Government may, after making such inquiry as it thinks fit, confirm, modify or cancel such order.

Application of Public Trusts Administration Fund.

60. (*1*) The Public Trusts Administration Fund shall, subject to the provisions of this Act and subject to the general or special order of the State Government, be applicable to the payment of charges for expenses incidental to the regulation of public trusts and generally for carrying into effect the provisions of this Act.

(*2*) The custody and investment of the moneys to be credited to the Public Trusts Administration Fund and the disbursement and payment there from shall be regulated and made in the prescribed manner.

State Government to direct crediting of funds constituted under any Act in Schedule to Public Trusts Administration Fund constituted under this Chapter.

61. On the application of this Act to any public trust or class of public trusts which may have been registered under any of the Acts specified in [3][Schedule A] the State Government may direct that the amount of any fund for the administration of public trusts constituted under the said Act for the region or sub-region in which public trust or class of public trusts was registered or any portion thereof shall be credited to the Public Trusts Administration Fund constituted under this Chapter.

CHAPTER IX.

ASSESSORS.

Lists of Assessors.

62. (*1*) On such date as may be prescribed, the Deputy or Assistant Charity Commissioner shall prepare lists of persons liable to serve as assessors.

[1] This Explanation was added by Bom. 14 of 1951, s. 15 (*2*)
[2] These words were inserted, *ibid.*, s. 16.
[3] This word and letter were substituted for the words "the Schedule", *ibid.*, s. 17.

(*2*) Every person between the ages of 25 and 65 shall, except as may be prescribed by rules, be liable and serve as an assessor under this Act.

(*3*) In the preparation of the lists, regard shall be had to the property, character, education, and religion of persons whose names are entered therein.

(*4*) The lists so prepared shall be submitted to the Charity Commissioner and when approved by him shall be published in the *Official Gazette*.

(*5*) The lists published under sub-section (*4*) shall be in operation for a period of three years :

Provided that the Charity Commissioner may before the expiry of the said period direct any additions or alterations to be made therein.

(*6*) The lists published under sub-section (*4*) shall, notwithstanding anything contained in sub-section (*5*) be deemed to be valid and in operation for a further period of one year or until new lists are prepared in substitution thereof, whichever period expires first.

Person summoned to attend at the time and place specified.

63. Every person summoned to serve as an assessor by the Deputy or Assistant Charity Commissioner shall attend at the time and place when and where he is so summoned to attend, unless he is prevented from such attendance by a reasonable excuse.

Cases in which assessors shall be summoned.

64. In the following proceedings assessors shall be summoned to assist and advise the Charity Commissioner, Deputy or Assistant Charity Commissioner, as the case may be, namely :—

[1][(*a*) an inquiry under section 19 or an inquiry under section 22 relating to a public trust other than a society referred to in section 2 (*13*);]

[2]* * * * *

(*c*) an inquiry regarding the loss caused to a public trust in consequence of the act or conduct of a trustee or any other person under section 40 ;

(*d*) any other inquiry in which by rules or a general or special order made by the State Government in this behalf, the assessors are required to assist and advise the Charity Commissioner, the Deputy or Assistant Charity Commissioner or any other officer appointed under this Act :

[3][Provided that in inquiries specified in clause (*a*) where no contest is involved the Deputy or Assistant Charity Commissioner may for reasons to be recorded in writing order that assessors shall not be so summoned.]

Number of assessors to be called.

65. (*1*) The Deputy or Assistant Charity Commissioner shall choose such number of assessors not less than three and not more than five as he deems fit to aid and assist him. In any inquiry relating to a public trust which is for the benefit of the members belonging to a particular religious denomination, the assessors chosen shall, as far as may be practicable, belong to the said religious denomination.

(*2*) At the conclusion of the inquiry he shall record their opinion in writing and require them to sign it. The opinion so recorded shall form part of the proceedings and due consideration shall be given to it in passing an order or arriving at a decision or making a report in the inquiry.

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[1] Clause (*a*) was substituted for the original by Bom. 28 of 1953, s. 14 (*1*).
[2] Clause (*b*) was deleted, *ibid.*, s. 14 (*2*).
[3] This proviso was added, *ibid.*, s. 14 (*3*).

(*3*) If in the course of any inquiry at any time before its conclusion, any assessor is from any sufficient cause, prevented from attending throughout the inquiry or absents himself and it is not practicable to enforce the attendance, the inquiry may be proceeded with the aid of the other assessor or assessors.

(*4*) If all the assessors are prevented from attending or absent themselves, without sufficient cause, the inquiry shall be proceeded with the aid of fresh assessors :

Provided that if the Deputy or Assistant Charity Commissioner holding the inquiry is satisfied that for sufficient and adequate reasons the inquiry need not be delayed, he shall complete the inquiry and shall report the matter to the Charity Commissioner.

(*5*) The assessors shall be entitled to such allowances as may be prescribed.

CHAPTER X.

OFFENCES AND PENALTIES.

Penalty

66. Whoever contravenes any provision of any of the sections mentioned in the first column of the following table shall, on conviction, for each such offence be punished with fine which may extend to the amount mentioned in that behalf in the third column of the said table.

Explanation.—The entries in the second column of the said table headed " Subject " are not intended as the definitions of offences described in the sections mentioned in the first column or even as abstracts of those sections, but are inserted merely as references to the subject of the sections, the numbers of which are given in the first column :

Table.

Section.	Subject.	Fine which may be imposed.
1	2	3
[1] [Section 18, sub-sections (*1*) and (*4*).	Duty of trustee to make an application to Deputy or Assistant Charity Commissioner for registration of public trust within time.	Rs. 1,000
Section 18, sub-section (*7*) ...	Duty of trustee to send memoranda of immovable property to certain officers and authorities within time.	Rs. 200]
Section 22 ...	Failure to report a change ...	Rs. 1,000
[2] [Section 22B ...	Failure to make an application within the time provided for.	Rs. 500
Section 22C ...	Failure to send memoranda within the time provided for.	Rs. 100]
[3] * *	* * * *	* *
Section 29 ...	Duty of an executor to apply for the registration of a public trust within the time provided for.	Rs. 1,000
Section 32 ...	Duty to keep regular accounts ...	Rs. 1,000
Section 35 ...	Failure or omission to invest money in public securities.	Rs. 1,000
Section 59 ...	Failure to pay contribution under section 58 by a trustee (other than the Charity Commissioner) [4] [or by a person charging or collecting dharmada.]	Rs. 1,000
Section 63 ...	Requiring an assessor to attend ...	Rs. 500

[1] These entries were substituted for the original by Bom. 23 of 1955, s. 8(*1*).
[2] These entries were inserted, *ibid.*, s. 8 (*2*).
[3] The entry relating to section 27 was deleted by Bom. 39 of 1951, s. 2, First Schedule.
[4] These words were inserted by Bom. 14 of 1951, s. 18.

Other offences.

67. Whoever contravenes any of the provisions of this Act or the rules for which no specific penalty has been provided by this Act, shall, on conviction, be punished with fine which may extend to Rs. 500.

CHAPTER XI.

FUNCTIONS OF CHARITY COMMISSIONERS, PROCEDURE, JURISDICTION AND APPEALS.

Duties, functions and powers of Deputy or Assistant Charity Commissioner.

68. For the purposes of this Act, the following shall be the duties and functions to be performed and powers to be exercised by the Deputy or Assistant Charity Commissioner for the region or sub-region for which he is appointed, namely :—

(*a*) to keep and maintain such books, entries and other documents as may be prescribed under section 17 ;

(*b*) to hold an inquiry under section 19 or 22 for any of the purposes mentioned in the said section ;

(*c*) to record entries in the register kept under section 17 and to make amendments in the said entries under section 22 ;

(*d*) to enter on and inspect any trust property, to call for and inspect any proceedings of a trustee and to call for any return, statement, account or report from trustees or any person connected with a public trust under section 37 ;

(*e*) to permit inspection of any statement, notice, intimation, account, audit note or any other document ;

(*f*) to prepare a list of assessors under section 62 and to choose and summon them under sections 63 and 65 for the purpose of inquiries under this Act ;

(*g*) to exercise such other powers and to perform such other duties and functions as may be prescribed.

Duties, functions and powers of Charity Commissioner.

69. For the purposes of this Act, the following shall be the duties to be performed and powers to be exercised by the Charity Commissioner, namely :—

(*a*) the general superintendence of the administration and carrying out the purposes of this Act under section 3 ;

(*b*) power to entertain and dispose of appeals from the findings of a Deputy or Assistant Charity Commissioner under section 20, 22 or 28 ;

(*c*) power to determine which of the Deputy or Assistant Charity Commissioners shall proceed with an inquiry relating to the registration of any public trust under section 25 ;

(*d*) power to direct a special audit of the accounts of a public trust under section 33 ;

(*e*) power to require an auditor to forward to him a copy of a balance sheet and income and expenditure account under section 34 ;

(*f*) power to permit a trustee to invest money of a public trust in any manner other than in public securities under section 35 ;

(*g*) power to sanction a sale, mortgage, exchange, gift or lease of immovable property belonging to a public trust under section 36 ;

(*h*) power to enter on and inspect any trust property, to call for and inspect any proceedings of a trustee, and to call for any return, statement, account or report from trustees or any person connected with a public trust under section 37 ;

(*i*) power to hold an inquiry in regard to any loss caused to a public trust under section 40, and to order a surcharge under section 41 ;

(*j*) power to act as the Treasurer of Charitable Endowments under the Charitable Endowments Act, 1890, under section 43 ; VI of 1890.

(*k*) power to act as a trustee of a public trust ;

(*l*) power to file a suit under section 50 ;

(*m*) power to give or refuse consent to the institution of a suit under section 51 ;

(*n*) power to give notice to trustees for the *cypres* application of the trust money and to make an application to the court under section 55 ;

(*o*) power to publish the lists of assessors under section 62 ;

(*p*) to exercise such other powers and perform such other duties and functions as may be prescribed.

Appeals from findings of Deputy or Assistant Charity Commissioner.

70. (*1*) An appeal [1][against the finding or order] of the Deputy or Assistant Charity Commissioner may be filed to the Charity Commissioner in the following cases :—

(*a*) the finding [2][and order, if any,] under section 20 ;

(*b*) the finding under section 22 ;

[3][(*b-1*) the finding under section 22A ;]

(*c*) the finding under section 28 ;

(*d*) the order under sub-section (*3*) of section 54.

(*2*) No appeal shall be maintainable after the expiration of sixty days from the recording of the finding or the passing of the order, as the case may be.

(*3*) The Charity Commissioner may, after hearing the appellant or any person appearing on his behalf, for reasons to be recorded in writing either annul, reverse, modify or confirm the finding or the order appealed against or he may direct the Deputy or Assistant Charity Commissioner to make further inquiry or to take such additional evidence as he may think necessary or he may himself take such additional evidence.

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[1] These words were substituted for the words "against the finding" by Bom. 28 of 1953, s. 15 (*i*).
[2] These words were inserted, *ibid.*, s. 15 (*ii*).
[3] Clause (*b-1*) was inserted by Bom. 59 of 1954, s. 7.

Charity Commissioner to call for and examine record and proceedings before Deputy or Assistant Charity Commissioner.

[1][70A. (*1*) The Charity Commissioner may in any of the cases mentioned in section 70, call for and examine the record and proceedings of such case before any Deputy or Assistant Charity Commissioner for the purpose of satisfying himself as to the correctness of any finding or order recorded or passed by the Deputy or Assistant Charity Commissioner and may either annul, reverse, modify or confirm the said finding or order or may direct the Deputy or Assistant Charity Commissioner to make further inquiry or take such additional evidence as he may think necessary or he may himself take such additional evidence :

Provided that the Charity Commissioner shall not record or pass any order without giving the party affected thereby an opportunity of being heard.

(*2*) Nothing in sub-section (*1*) shall entitle the Charity Commissioner to call for and examine the record of any case,—

(*a*) during the period in which an appeal under section 70 can lie against any finding recorded by the Assistant or Deputy Charity Commissioner in such case, or

(*b*) in which an order has been passed either in an appeal made under section 70 or 71 or on an application under section 72.]

Appeal to Bombay Revenue Tribunal.

71. (*1*) The appeal to the Bombay Revenue Tribunal under sub-section (*2*) of section 51 against the decision of the Charity Commissioner refusing consent to the institution of the suit shall be filed within sixty days from the date of such decision in such form and shall be accompanied by such fee as may be prescribed.

(*2*) The Bombay Revenue Tribunal after making such inquiry as it thinks fit may confirm, revoke or modify the decision of the Charity Commissioner.

(*3*) The decision of the Bombay Revenue Tribunal shall be final and conclusive.

Application from Charity Commissioner's decision under section 40, 41 or 70, etc.

72. (*1*) Any person aggrieved by the decision of the Charity Commissioner under section 40, 41 [2][,70 or 70A] on the questions [3][whether a trust exists and whether such trust is a public trust] or whether any property is the property of such trust [4]* * * may, within sixty days from the date of the decision, apply to the court to set aside the said decision.

[5][(*1A*) No party to such application shall be entitled to produce additional evidence, whether oral or documentary, before the Court unless the Deputy or Assistant Charity Commissioner or the Charity Commissioner has refused to admit evidence which ought to have been admitted or the Court requires any document to be produced or any witness to be examined to enable it to pronounce judgment or for any other substantial cause the Court thinks it necessary to allow such additional evidence :

Provided that whenever additional evidence is allowed to be produced by the Court, the Court shall record the reason for its admission.]

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[1] Section 70A was inserted by Bom. 59 of 1954, s. 8.

[2] The figures, word and letter ", 70 or 70A" were substituted for the word and figures "or 70" by Bom. 59 of 1954, s. 9 (*1*).

[3] Those words were substituted for the words "whether a trust is a public trust" by Bom. 14 of 1951, s. 19 (*i*).

[4] The words and figures "under Chapter IV" were deleted, *ibid.*, s. 19 (*ii*).

[5] Sub-section (*1A*) was inserted by Bom. 59 of 1954, s. 9 (*2*).

(*2*) The court after taking [1][evidence, if any,] may confirm, revoke or modify the decision or remit the amount of the surcharge and make such orders as to costs as it thinks proper in the circumstances.

(*3*) Pending the disposal of an application under sub-section (*2*), all proceedings for surcharge shall be stayed if the person aggrieved makes out a *prima facie* case for a stay order.

(*4*) An appeal shall lie to the High Court against the decision of the court under sub-section (*2*) as if such decision was a decree from which an appeal ordinarily lies.

Officers holding inquiries to have powers of civil court.

73. In holding inquiries under this Act, the officer holding the same shall have the same powers as are vested in courts in respect of the following matters under the Code of Civil Procedure, 1908, in trying a suit—

V of 1908.

(*a*) proof of facts by affidavits,

(*b*) summoning and enforcing the attendance of any person and examining him on oath,

(*c*) compelling the production of documents,

(*d*) issuing of commissions.

Inquiries to be judicial inquiries.

74. All inquiries and appeals under this Act shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal Code.

XLV of 1860.

Limitation.

75. In computing the period of appeal under this Chapter, the provisions of sections 4, 5, 12 and 14 of the Indian Limitation Act, 1908, shall apply to the filing of such appeals.

IX of 1908.

Civil Procedure Code to apply to proceedings under this Act.

76. Save in so far as they may be inconsistent with anything contained in this Act, the provisions of the Code of Civil Procedure, 1908, shall apply to all proceedings before the court under this Act.

V of 1908.

Recovery of sums due under section 18, [5][20, 41, 48, 79A, 79C or 79CC or rules.

77. All sums payable under section 18, [2][20], 41, [3][48, 79A, [4][79C or 79CC]] or under any rule, if not paid, shall notwithstanding anything contained in any law, be recoverable as an arrear of land revenue.

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[1] These words were substituted for the words "such evidence as it thinks necessary" by Bom. 59 of 1954, s. 9 (*3*).

[2] These figures were inserted by Bom. 28 of 1953, s. 16 (*a*).

[3] These figures, letters and word were substituted for the word and figures "or 48" by Bom. 14 of 1951, s. 20.

[4] The figures, letters and word "79C or|79CC" were substituted for the word, figures and letter "or 79C" by Bom. 28 of 1953, s. 16 (*b*).

[5] These were substituted for the figures, letters and word "41, 48, 79A or 79C," by Bom. 21 of 1954, s. 3. Second Schedule.

CHAPTER XII.

MISCELLANEOUS.

Charity Commissioner and other officers and assessors to be public servants.

78. The Charity Commissioner, Deputy and Assistant Charity Commissioners, Inspectors and other subordinate officers and Assessors appointed under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

XLV of 1860.

Decision of property as public trust property.

79. (*1*) Any question, [1][whether or not a trust exists and such trust is a public trust] or particular property is the property of such trust, shall be decided by the Deputy or Assistant Charity Commissioner or the Charity Commissioner in appeal as provided by this Act.

(*2*) The decision of the Deputy or Assistant Charity Commissioner or the Charity Commissioner in appeal, as the case may be, shall, unless set aside by the decision of the court [2][on application] or of the High Court in [3]* appeal, be final and conclusive.

Recovery of costs and expenses incurred on legal proceedings by Charity Commissioner, etc.

[4][**79A.** All costs, charges and expenses incurred by the Charity Commissioner, or the Deputy or Assistant Charity Commissioner as a party to, or in connection with, any legal proceeding in respect of any public trust shall, notwithstanding anything contained in section 79B, be payable out of the property or funds of the public trust, except in cases where the liability to pay the same has been laid on any party or other person personally and the right to reimbursement under this section has been negatived in express terms.

Costs of proceedings before Courts including High Court.

79B. The costs, charges and expenses of and incidental to any suit, appeal or application to any court including the High Court under this Act shall be in the discretion of the court, which may, subject to the provisions of section 79A, direct the whole or any part of such costs, charges and expenses to be met from the property or funds of the public trust concerned or to be borne and paid in such manner and by such persons as it thinks fit.

Costs of proceeding before Charity Commissioner etc.

79C. The costs, charges and expenses of and incidental to any appeal, application or other proceeding before the Charity Commissioner or the Deputy or Assistant Charity Commissioner shall be in his discretion and he shall have full power to determine by whom or out of what property or funds and to what extent such costs, charges and expenses are to be paid.

Compensatory costs for frivolous or vexatious proceedings before Charity Commissioner, etc.

[5][**79CC.** (*1*) If in an inquiry under section 19 the Deputy or Assistant Charity Commissioner or in an inquiry under section 51 the Charity Commissioner is of opinion that the application on which such inquiry was commenced was either frivolous or vexatious the Deputy or Assistant Charity Commissioner or the Charity Commissioner, as the case may be, may at the request of the person against whom such application)was made hereinafter referred to as "the opponent") call upon the perason making the pplication (hereinafter referred to as "the applicant") to show cause why the applicant should not pay compensation to the opponent and if the applicant is not present, direct the issue of a summons to him to appear and show cause as aforesaid.

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[1] These words were substituted for the original by Bom. 14 of 1951, s. 21 (*1*).
[2] These words were substituted for the words "in appeal," *ibid*, s. 21 (*2*) (*i*).
[3] The word "further" was deleted, *ibid*, s. 21 (*2*) (*ii*).
[4] Sections 79A to 79D were inserted by Bom. 41 of 1951, s. 22.
[5] Section 79CC was inserted by Bom. 28 of 1953, s. 17.

(*2*) If the Deputy or Assistant Charity Commissioner or the Charity Commissioner, as the case may be, is satisfied that the application was either frivolous or vexatious he may, after recording reasons, order that compensation to such amount not exceeding two hundred and fifty rupees as he may determine be paid by the applicant to the opponent.

(*3*) An appeal shall lie against an order awarding compensation under sub-section (*2*) if made by the Deputy or Assistant Charity Commissioner to the Charity Commissioner and if made by the Charity Commissioner to the Bombay Revenue Tribunal and the provisions of sections 70 and 71 shall *mutatis mutandis* apply to such appeal.]

Court-fee to be paid as prescribed by Schedule B.

79D. Notwithstanding anything contained in the Court-fees Act, 1870, the documents described in columns 1 and 2 of Schedule B hereto shall bear a court-fee stamp of the value specified in column 3 thereof.] VII of 1870.

Bar of jurisdiction.

80. Save as expressly provided in this Act, no civil court shall have jurisdiction to decide or deal with any question which is by or under this Act to be decided or dealt with by any officer or authority under this Act, or in respect of which the decision or order of such officer or authority has been made final and conclusive.

Indemnity from suits and proceedings.

81. (*1*) No suit, prosecution or other proceeding shall be instituted against the State Government or any officer or authority in respect of anything in good faith done or purporting to be done under this Act.

(*2*) Subject to the provisions of sub-section (*1*), no suit under section 50 shall, without the previous sanction of the State Government, be instituted against the Charity Commissioner in respect of a public trust of which he has been authorised to act as a trustee.

Trial of offences under this Act.

82. No Court inferior to that of a Presidency Magistrate or a Magistrate of the First Class shall try an offence punishable under this Act.

Previous sanction of Charity Commissioner necessary for prosecution.

83. No prosecution for an offence punishable under this Act, shall be instituted without the previous sanction of the Charity Commissioner.

Rules.

84. (*1*) The State Government may make rules for the purpose of carrying into effect of the provisions of this Act.

(*2*) In particular and without prejudice to the generality of the foregoing provision, such rules may be made for all or any of the following matters, namely :—

(*a*) the manner of publishing the notification under sub-section (*4*) of section 1 ;

(*b*) the powers, duties and functions of the officers other than the Charity Commissioner, Deputy and Assistant Charity Commissioners appointed under this Act in addition to those provided for in this Act ;

(*c*) the powers, duties and functions of assessors in addition to those provided for in this Act ;

(*d*) the limits of regions and sub-regions to be prescribed under sub-section (*1*) of section 14 ;

(*e*) the books, indices and registers to be kept and maintained in a Public Trusts Registration Office, and the particulars to be entered in such books, indices and registers under section 17 ;

(*f*) the form in which an application for the registration of a Public trust is to be made and the fee to be paid for the same, the other particulars to be entered therein and the manner in which an application for such registration to be signed and verified and the value and kind of trust property in respect of which it shall not be necessary to give particulars under section 18 ;

(*g*) the manner in which an inquiry has to be made by the Deputy or Assistant Charity Commissioner under sections 19 and 39 ;

(*h*) the form in which the [1][trustee] has to make a report regarding the change under section 22 ;

(*i*) the book in which the Deputy or Assistant Charity Commissioner shall make an entry under section 23 ;

[2][(*j*) the form of memorandum to be sent by trustees and Deputy and Assistant Charity Commissioners for registration in the registers maintained under section 28B, the manner of maintaining such registers and the fees to be paid for inspection of and taking extracts from such registers ;]

(*k*) the particulars to be entered in the accounts under sub-section (*2*) of section 32 and the fee to be paid for special audit under section 33 ;

(*l*) the manner of notifying contents of the will under section 46 ;

(*m*) the administrative charges to be levied under sub-section (*1*) of section 48 ;

(*n*) the form of account to be submitted under sub-section (*2*), and the manner of passing order under sub-section (*3*), of section 54 ;

(*o*) the time within which trustees may apply to the court for directions under sub-section (*1*) of section 55 ;

(*p*) the date on which and the manner in which and the amount of contribution which every public trust shall pay annually under section 58 and the manner in which the custody and investment of, and the disbursement and payment from, such fund shall be made under section 60 ;

(*q*) the date on which the Deputy of Assistant Charity Commissiener shall prepare a list of assessors under sub-section (*1*) and the persons who may be exempted to serve as assessors under sub-section (*2*), of section 62 ;

(*r*) the allowances to be paid to assessors under sub-section (*5*) of section 65

(*s*) the other powers, duties and functions to be exercised and performed by a Deputy or Assistant Charity Commissioner under section 68 ;

(*t*) the other powers, duties and functions to be exercised and performed by the Charity Commissioner under section 69 ;

(*u*) the form of appeal and the fee to be paid for filing such appeal under section 71 ;

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[1] This word was substituted for the words "Deputy or Assistant Charity Commissioner" by Bom. 7 of 1950, s. 4.

[2] Clause (*j*) was inserted by Bom. 23 of 1955, s. 9.

(*v*) the custody and investment of the money to be credited to the Public Trusts-Administration Fund and the disbursement and payment therefrom ;

(*w*) any other matter which is to be or may be prescribed under this Act.

(*3*) All rules made under this section shall be subject to the condition or previous publication.

Repeal.

85. (*1*) The Religious Endowments Act, 1863, is hereby repealed. XX of 1863.

(*2*) [1][On the date of the application] of the provisions of this Act to any public trust or class of public trusts under sub-section (*4*) of section 1 [2][chereafter in this section referred to as the said date)],the provisions of the Act specified in [3][Schedule A] which apply to such trust or class of trusts shall cease to apply to such trust or class of trusts.

(*3*) [4][Save as otherwise provided in this section, such repeal] or cessation shall not in any way affect—

(*a*) any right, title, interest, obligation or liability already acquired, accrued or incurred before [3][the said date],

(*b*) any legal proceedings or remedy in respect of such right, title, interest obligation or liability, or

(*c*) anything duly done or suffered before [5][the said date].

[6][(*4*) Notwithstanding anything contained in sub-section (*3*) all proceedings pending before any authority under the Mussalman Wakf Act, 1923 (as amended by the Mussalman Wakf (Bombay Amendment) Act, 1935), the Bombay Public Trusts Registration Act, 1935, or the Parsi Public Trusts Registration Act, 1936, immediately before the said date shall be transferred to the Charity Commissioner and any such proceedings shall be continued and disposed of by the Charity Commissioner or the Deputy or Assistant Charity Commissioner as the Charity Commissioner may direct. In disposing of such proceedings the Charity Commissioner, the Deputy Charity Commissioner or the Assistant Charity Commissioner, as the case may be, shall have and exercise the same powers which were vested in and exercised by the Court under the Mussalman Wakf Act, 1923 (as amended by the Mussalman Wakf (Bombay Amendment) Act, 1935), and by the Registrars under the Bombay Public Trusts Registration Act, 1935, and the Parsi Public Trusts Registration Act, 1936, and shall pass such orders as may be just or proper. XLII of 1923. Bom. XVIII of 1935. Bom. XXV of 1935. Bom. XXIII of 1936. XLII of 1923. Bom. XVIII of 1935. Bom. XXV of 1935.

(*5*) All records maintained by the authority or Court under any of the Acts referred to in sub-section (*4*) shall be tranferred to the Charity Commissioner or to the Deputy or Assistant Charity Commissioner as the Charity Commissioner may direct.] Bom. XXIII of 1936.

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[1] These words were substituted for the words " on the application " by Bom. 28 of 1953, s. 18 (*1*).
[2] These brackets and words were inserted, *ibid.*
[3] T h word and letter were substituted for the words " the Schedule " by Bom. 14 of 1951, s. 17.
[4] These words were substituted for the words ' " Such repeal " by Bom. 28 of 1953, s. 18 (*2*).
[5] These words were substituted for the words " the date of the application of this Act ", *ibid.*
[6] Sub-sections (4) and (*5*) were added, *ibid.*, s. 18(3).

[1][SCHEDULE A.]

(*See* sections 28, 61 [2]* and 85.]

XIV of 1920. 1. The Charitable and Religious Trusts Act, 1920.

XLII of 1923. 2. The Mussalman Wakf Act, 1923, as amended by Bombay Act XVIII of 1935.

Bom. XXV of 1935. 3. The Bombay Public Trusts Registration Act, 1935.

Bom. XXIII of 1936. 4. The Parsee Public Trusts Registration Act, 1936.

5. The Baroda Public Institutions Act (Baroda Act No. VI of Samvat 1961).

XX of 1863. 6. The Religious Endowments Act, 1863, as applied to the Jamkhandi State in 1890.

7. The Deosthan Rules, 1912, of the Jamkhandi State as amended by Jamkhandi Act No. 1 of 1948.

[3][SCHEDULE B.]

Section.	Description of Documents.	Value.
1	2	3
18(*1*)	Application for the registration of a public trust	Rs. 2
22(*1*)	Report of any change or proposed change in any of the entries recorded in the register kept under section 17.	Re. 1
25(*1*)	Application of any person having interest in a public trust to the Charity Commissioner to determine which of the Deputy or Assistant Charity Commissioners shall proceed with an inquiry under section 19 or 22 in regard to any public trusts.	Rs. 2
29	Application by the executor of a will for the registration of a public trust created by such will.	Rs. 2
[4][36	Application for sanction of the Charity Commissioner for—	
	(*a*) sale, mortgage, exchange or gift of immoveable property—	
	(*i*) where the value of the property involved does not exceed Rs. 2,000	Rs. 2
	(*ii*) where the value of the property involved exceeds Rs. 2,000 but does not exceed Rs. 10,000	Rs. 5
	(*iii*) in any other case	Rs. 10
	(*b*) lease of immovable property—	
	(*i*) where the average annual rent reserved does not exceed Rs. 100	Rs. 2
	(*ii*) where the average annual rent reserved exceeds Rs. 100 but does not exceed Rs. 500	Rs. 5
	(*iii*) in any other case	Rs. 10.]

[1] This word and letter were substituted for the word "Schedule" by Bom. 14 of 1951, s. 23.
[2] The comma and figures "64" were deleted by Bom. 21 of 1954, s. 3, Second Schedule.
[3] This Schedule was inserted, by Bom. 14 of 1951, s. 23.
[4] This entry was substituted for the original by Bom. 28 of 1953, s. 19 (*1*).

SCHEDULE B—*contd.*

Section.	Description of Documents.	Value.
1	2	3
44	Application by the author of a public trust to the Charity Commissioner for his consent to act as trustee of the public trust.	Rs. 10
45	Application by a person intending to create a public trust to the Charity Commissioner for his consent to act as trustee of such trust.	Rs. 10
46	Communication by the executor of a will of a testator or the administrator of his estate notifying to the Charity Commissioner the contents of the will under which he has been appointed a trustee.	Rs. 10
[1][47(*1*) and 47A	Application to the Court by the Charity Commissioner or any person having interest in a public trust or any trustee of public trust for the appointment of a new trustee or for the vesting of property or for both.	Rs. 10
47(*6*)	Appeal to the High Court from the decision of the court in Application filed under sub-section (*1*) of section 47.	Rs. 10
51(*1*)	Application to the Charity Commissioner for consent to file a suit of the nature specified in section 50.	Rs. 10
59(3)	Appeal to the State Government against the order of the Charity Commissioner for the payment of contribution by a bank or person from the money standing to the credit of the public trust with such bank or person.	Rs. 10
70(*1*)	Appeal to the Charity Commissioner against the finding of Deputy or Assistant Charity Commissioner under section 20, 22 or 28 or order under sub-section (*3*) of section 54.	Rs. 10
71(*1*)	Appeal to the Bombay Revenue Tribunal against the decision of the Charity Commissioner refusing consent to the institution of a suit.	Rs. 10
72(*1*)	Application to the court against the decision of the Charity Commissioner under section 40, 41 or 70 or on the question whether a trust exists and whether such trust is a public trust or whether any property is the property of such trust.	Rs. 10
72(*4*)	Appeal to the High Court against the decision of the Court under sub-section (*2*) of section 72.	Rs. 10
	Mukhtarnama or Wakalatnama when presented for the conduct of any inquiry, appeal or other proceeding to the Charity Commissioner, or the Deputy or Assistant Charity Commissioner.	Re. 1
	[2][Application to the Charity Commissioner or the Deputy or Assistant Charity Commissioner for copies under the Act.	As. 8
	Any other application or petition presented to the Charity Commissioner or the Deputy or Assistant Charity Commissioner.]	Re. 1

[1]This entry was substituted for the original by Bom. 28 of 1953, s. 19 (*2*).
[2] This entry was inserted by Bom. 28 of 1953, s. 19 (*3*).

BOMBAY ACT No. XXXIV OF 1950.[1]

[THE CATTLE-TRESPASS AND BOMBAY DISTRICT POLICE (AMENDMENT) ACT, 1950.]

[*6th November 1950*]

An Act to amend the Cattle-trespass Act, 1871, in its application to the State of Bombay and the Bombay District Police Act, 1890.

1 of 1871. Bom. IV of 1890.

WHEREAS it is expedient to amend the Cattle-trespass Act, 1871, in its application to the State of Bombay and the Bombay District Police Act, 1890, for the purposes hereinafter appearing; It is hereby enacted as follows:—

Short title.

1. This Act may be called the Cattle-trespass and Bombay District Police (Amendment) Act, 1950.

I of 1871.

2. In the Cattle-trespass Act, 1871.—

Amendment of sections 10, 12 and 26 of, and insertion of new section 28A in, Act I of 1871.

(*1*) in section 10, after the words "or any part thereof" the following shall be inserted, namely:—

Bom. VI of 1933.

"or a watch and ward appointed by a panchayat established under the Bombay Village Panchayats Act, 1933, or any person authorised by the State Government in this behalf, either by name or by virtue of office,";

(*2*) in section 12,—

(*a*) the words "head of" shall be deleted;

(*b*) for the words "Different scales may be prescribed for different local areas" the following shall be substituted, namely:—

"Progressively increasing scales may be prescribed in respect of cattle belonging to or kept by the same person according to the number of cattle impounded at a time and the number of times such cattle are impounded and different scales may be prescribed for different local areas.";

(*3*) in section 26,—

(*a*) the first paragraph shall be numbered as sub-section (*1*) of that section;

(*b*) after sub-section (*1*) so numbered, the following sub-sections shall be inserted, namely:—

"(*2*) The Magistrate trying the offence under sub-section (*1*) may order,—

(*a*) that the accused shall pay such compensation, not exceeding two hundred and fifty rupees, as the Magistrate considers reasonable, to any person for any damage proved to have been caused to his crop or other produce of land by the accused committing the offence;

(*b*) that the pigs in respect of which the offence has been committed shall be forfeited to the State Government.

For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1950, Pt. V, page 239.

MO-v Bk H 1059—1

(*3*) Any compensation awarded under sub-section (*2*) may be recovered as if it was a fine imposed under this section." ;

(*c*) the second paragraph shall be numbered as sub-section (*4*) of that section and in sub-section (*4*) so numbered the words "the foregoing portion of" shall be deleted ;

(*4*) after section 28, the following section shall be inserted, namely :—

Offence under section 26 to be cognizable.

"28A. The offence under section 26 shall be cognizable."

3. [*The amendments made by section 3 have been incorporated in the Bombay District Police Act, 1890 (Bom. IV of 1890).*]

THE BOMBAY CONTINGENCY FUND ACT, 1950.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.
2. Establishment of the Contingency Fund of the State.
3. Custody of the Contingency Fund and withdrawals therefrom.
4. Power to make rules.

MO-V Bk H 1059—1a
8-18

BOMBAY ACT No. XLI OF 1950.[1]

[THE BOMBAY CONTINGENCY FUND ACT, 1950.]

[17th November 1950]

An Act to provide for the establishment and maintenance of a Contingency Fund in the State of Bombay.

WHEREAS it is expedient to provide for the establishment and maintenance of a Contingency Fund in the State of Bombay ;

AND WHEREAS the Legislature of the State, by clause (2) of Article 267 and clause (2) of Article 283 of the Constitution of India, has been empowered by law to establish and maintain such Fund ; It is hereby enacted as follows :—

1. This Act may be called the Bombay Contingency Fund Act, 1950. Short title.

2. There shall be established a Contingency Fund in the nature of an imprest entitled the Contingency Fund of the State, into which shall be paid from and out of the Consolidated Fund of the State of Bombay a sum of three crores of rupees. Establishment of the Contingency Fund of the State.

3. The Contingency Fund of the State shall be held on behalf of the Governor by the Secretary to the Government of Bombay in the Finance Department, and no advances shall be made out of such Fund except for the purposes of meeting unforeseen expenditure pending authorisation of such expenditure by the Legislature under appropriations made by law. Custody of the Contingency Fund and withdrawals therefrom.

4. For the purposes of carrying out the objects of this Act, the State Government may make rules regulating all matters connected with or ancillary to the custody of, the payment of moneys into, and withdrawals of moneys from, the Contingency Fund of the State. Power to make rules.

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1950, Pt. V, page 376.

THE BOMBAY LEGISLATURE MEMBERS' TRAVELLING ALLOWANCE ACT, 1950.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.
2. Travelling allowance to be paid to members.
3. Minister, Speaker, Chairman or Parliamentary Secretary not entitled to travelling allowance under this Act.
4. Power of State Government to make rules.
5. Avoidance of doubt.

BOMBAY ACT No. XLV OF 1950.[1]

THE BOMBAY LEGISLATURE MEMBERS' TRAVELLING ALLOWANCE ACT, 1950]

[*23rd November 1950.*]

An Act to provide for the travelling allowance to the members of the Bombay Legislature.

WHEREAS it is expedient to make provision for the payment of travelling allowance to the members of the Bombay Legislature ; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Bombay Legislature Members' Travelling Allowance Act, 1950.

Travelling allowance to be paid to members.

2. (*1*) With effect from the 26th day of January 1950, there shall be paid to each member of the Bombay Legislative Assembly and the Bombay Legislative Council, a travelling allowance for journey undertaken for the purpose of attending the session of such Assembly or Council or the meeting of a committee of such Assembly or Council to the place where such session or meeting is held and for return journey from such place—

(i) at the rate of one and one half of the fare of such class provided on a railway or steamer, as may be prescribed by rules made by the State Government, and

(ii) at such rate per mile for journey by road, sea or river in addition to the journey by railway or steamer, as may likewise be prescribed by the State Government :

Provided that nothing in this sub-section shall entitle a member to travelling allowance, if such member ordinarily resides or carries on business at the place where such session or meeting is held.

(*2*) Notwithstanding anything contained in sub-section (*1*), there shall be paid to each member a conveyance allowance at the rate of Rs. 3 per day for each day on which he attends such session or meeting.

Minister, Speaker, Chairman or Parliamentary Secretary not entitled to travelling allowance under this Act.

3. Notwithstanding anything contained in this Act, a Minister of the Government of Bombay, the Speaker of the Bombay Legislative Assembly, the Chairman of the Bombay Legislative Council or a Parliamentary Secretary to any Minister shall not be entitled to any travelling allowance under this Act by reason of the fact that such Minister, Speaker, Chairman or Parliamentary Secretary is a member of the Bombay Legislative Assembly or Council.

Power of State Government to make rules.

4. (*1*) The State Government may make rules for the purpose of carrying out the purposes of this Act.

(*2*) Any rule made under this section may be made so as to be retrospective to any date not earlier than the commencement of the Constitution of India.

(*3*) Rules made under this section shall have effect as if enacted in this Act.

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1950, Part V, page 378.

Avoidance of doubt.

5. For the avoidance of doubt it is hereby declared that nothing in this Act shall affect the right of a member of the Bombay Legislative Assembly or the Bombay Legislative Council to receive as such member, the salary and the daily allowance which he is entitled to receive under article 195 of the Constitution at the rates and upon the conditions provided by or under the Bombay Legislature Members' Salaries and Allowances Act, 1937, or the Bombay Legislature Members' Daily Allowance Act, 1950, as the case may be. Bom. III of 1937. Bom. XXI of 1950.

BOMBAY ACT No. XLVIII OF 1950.[1]

[THE BOMBAY MUNICIPAL CORPORATION AND CITY OF BOMBAY PRIMARY EDUCATION (AMENDMENT) ACT, 1950.]

[*29th November 1950*]

An Act to amend the Bombay Municipal Corporation Act and the City of Bombay Primary Education Act, 1920.

Bom. III of 1888.

Bom. XV of 1920.

WHEREAS it is expedient to amend the Bombay Municipal Corporation Act and the City of Bombay Primary Education Act, 1920, for the purposes hereinafter appearing; It is hereby enacted as follows:—

Short title and commencement

1. (*1*) This Act may be called the Bombay Municipal Corporation and City of Bombay Primary Education (Amendment) Act, 1950.

(*2*) It shall come into force on such date as the State Government may by notification in the *Official Gazette* appoint.

2-78. [*The amendments made by sections 2-78 (both inclusive) have been incorporated in the Bombay Municipal Corporation Act (Bom. III of 1888).*]

Savings.

79. Nothing in sections 2 (*1*), (*4*) and (*5*), and 4 to 16 shall affect the constitution of the Corporation, the Standing Committee, the Improvements Committee or any other committee or sub-committee as constituted or appointed under the said Act immediately before the coming into operation of this Act and any casual vacancy in the office of a councillor or a member of any of the said committees or sub-committee before the 1st day of April 1952 shall, subject to the provisions of the said Act, be filled as if this Act had not been passed.

Amendments made by sections 64, 65, 67, 68 and 76 to have retrospective effect.

80. (*1*) The amendments made by sections 64, 65 and 67 shall be deemed to have been made on and to have effect from the 15th day of August 1947.

(*2*) The amendments made by sections 68 and 76 shall be deemed to have been made on and to have effect from the 14th day of March 1944 and any order made or action taken under the said Act before the commencement of this Act shall be deemed to have been made or taken under the said Act as amended by this Act, and no prosecution, suit or other proceeding shall lie against any person for anything in good faith done or intended to be done in pursuance of any such order or action, as the case may be.

81-83. [*The amendments made by sections 81 to 83 (both inclusive) have been incorporated in the City of Bombay Primary Education Act, 1920 (Bom. XV of 1920).*]

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1950, Pt. V, pp. 358-61

THE BOMBAY (SUPPLEMENTARY) APPROPRIATION ACT, 1950.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.

2. Issue of Rs. 21,76,41,825 out of the Consolidated Fund of the State of Bombay for the year 1950-51.

3. Appropriation.

SCHEDULE.

BOMBAY ACT No. LI OF 1950.[1]

[THE BOMBAY (SUPPLEMENTARY) APPROPRIATION ACT, 1950.]

[*1st December 1950.*]

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Bombay to the service of he year ending on the thirty-first day of March 195 1.

WHEREAS by virtue of Article 204 of the Constitution of India, read with Article 205 thereof, it is necessary to provide for the passing of an Appropriation Act for the appropriation of further sums from and out of the Consolidated Fund of the State of Bombay to the service of the year ending on the thirty-first day of March 1951 ; and for the purpose of authorising payment of the said sums ; It is hereby enacted as follows :—

1. This Act may be called the Bombay (Supplementary) Appropriation Act, 1950. Short title.

2. From and out of the Consolidated Fund of the State of Bombay, there shall be paid and applied sums not exceeding those specified in column 4 of the Schedule hereto annexed amounting in the aggregate to the sum of Rupees 21,76,41,825 defraying the several charges which will come in course of payment during the year ending on the thirty-first day of March 1951, in respect of the services and purposes specified in column 2 of the Schedule. Issue of Rs. 21,76,41,825 out of the Consolidated Fund of the State of Bombay for the year 1950-51.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Bombay by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thirty-first day of March 1951. Appropriation.

Schedule.

Serial No.	Services and purposes.	Heads of Account.	Sums not exceeding		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3	4		5
			Rs.	Rs.	Rs.
1	Irrigation (including working expenses).	XVII-Deduct Working expenses and 18, Other revenue expenditure financed from ordinary revenues.	40,78,900	....	40,78,900
2	General Administration.	25-General Administration.	31,41,339	....	31,41,339
3	Administration of Justice.	27-Administration of Justice.	3,04,672	5,525	3,10,197
4	Police ..	29-Police ..	19,06,087	....	19,06,087
5	Dangs District ..	33-A, Dangs District ..	1 83,115	....	1,83,115
6	Education ..	37-Education ..	40,93,025	....	40,98,025
7	Medical ..	38-Medical ..	57,148	....	57,148
8	Public Health ..	39-Public Health ..	90,510	....	90,510
9	Agriculture ..	40-Agriculture ..	29,24,989	....	29.24.989
10	Veterinary ..	41-Veterinary ..	3,58,846	....	3,58,846
11	Co-operation ..	42-Co-operation ..	37,89,436	....	37,89,436
12	Miscellaneous Departments. (except Labour).	47-Miscellaneous Departments.	7,89,380	....	7,89,380
13	Labour	Do. ..	1,10,495	....	1,10,495

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1950, Pt. V, p. 416.

Schedule—contd.

Serial No.	Services and purposes.	Heads of Account.	Sums not exceeding: Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3	4		5
			Rs.	Rs.	Rs.
14	Civil Works ..	50-Civil Works ..	15,07,565	....	15,07,565
15	Other Revenue Expenditure connected with Electricity Schemes.	52A-Other Revenue Expenditure connected with Electricity Schemes.	68,900	....	68,900
16	Stationery and Printing.	56-Stationery and Printing.	9,37,460	....	9,37,460
17	Miscellaneous ..	57 Miscellaneous ..	8,30,778	....	8,30,778
18	Extraordinary charges.	63 Extraordinary charges.	31,820	....	31,820
19	Transfer to the Contingency Fund.	Transfer to the Contingency Fund.	3,00,00,000	....	3,00,00,000
	Total Expenditure on Revenue Account (including Revenue Expenditure and Capital Expenditure within Revenue Account).		5,52,09,465	5,525	5,52,14,990
20	Irrigation ..	68-Construction of Irrigation, Navigation, Embankment and Drainage Works.	4,60,000	....	4,60,000
21	Public Health ..	70-Capital Outlay on Improvement of Public Health.	71,100	....	71,100
22	Industrial Development.	72-Capital Outlay on Industrial Development.	1,06,00,000	....	1,06,00,000
23	Civil Works ..	81-Capital Account of Civil Works outside the Revenue Account.	12,35,245	....	12,35,245
24	Electricity Schemes.	81A-Capital Outlay on Electricity Schemes.	22,400	....	22,400
25	Housing for Displaced Persons and Milk Scheme.	82-Capital Account of other Provincial Works outside the Revenue Account.	6,96,500	....	6,96,500
26	Schemes connected with State Trading.	85A-Capital Outlay on Provincial Schemes of State Trading.	14,79,70,000	6,63,140	14,86,33,140
		Total Capital Expenditure outside the Revenue Account.	16,10,55,245	6,63,140	16,17,18,385
	Debt Heads.				
27	Loans and Advances bearing interest.	Loans and Advances of Provincial Government.	7,08,450	....	7,08,450
		Total disbursement under Debt Heads.	7,08,450	....	7,08,450
		GRAND TOTAL. ..	21,69,73,160	6,68,665	21,76,41,825

THE BOMBAY NATIONAL PARKS ACT, 1950.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title and extent.
2. Commencement.
3. Definitions.
4. Power to declare any area to be National Park.
5. Notification regarding declaration of National Park.
6. Bar of accrual of any rights in land comprised in National Park.
7. Proclamation by the Collector.
8. Inquiry by Collector.
9. Extinction of rights.
10. Power to acquire land over which right is claimed.
11. Acquisition proceedings.
12. Power of Collector to be exercised by other officers.
13. Constitution of Advisory Committee.
14. Duties of Advisory Committee.
15. Procedure of Advisory Committee.
16. Appointment of Park Officers.
17. Duties of Park Officers.
18. Purposes for which National Park may be entered.
19. Rules.
20. Regulations.
21. Penalty.
22. Offence under Act cognizable.
23. Park Officers to be public servants.
24. Protection to persons acting in good faith.
25. Saving.

BOMBAY ACT No. LIV OF 1950[1].

[THE BOMBAY NATIONAL PARKS ACT, 1950.]

[*19th December 1950*]

An Act to make provision for National Parks in the State of Bombay.

WHEREAS it is expedient to make provision for the establishment, preservation and maintenance of National Parks in the State of Bombay and for certain other matters hereinafter appearing; It is hereby enacted as follows:—

Short title and extent.

1. (*1*) This Act may be called the Bombay National Parks Act, 1950.

(*2*) It extends to the whole of the State of Bombay.

Commencement.

2. Sections 1 and 2 shall come into force at once. The rest of the Act or any provisions thereof shall come into force in any area on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Definitions.

3. In this Act, unless there is anything repugnant in the subject or context,—

(*1*) "Advisory Committee" means the Committee constituted by the State Government under section 13;

(*2*) "Director" means the Director of Parks and Gardens, Bombay State, or any other officer appointed by the State Government as the Director for the purposes of this Act;

(*3*) "National Park" means any area declared by the State Government as a National Park under section 4;

(*4*) "Park" includes a garden;

(*5*) "Park Officer" means any officer, warden or servant appointed under this Act for the control and management of a National Park;

(*6*) "prescribed" means prescribed by rules;

(*7*) "regulations" means regulations made under section 20;

(*8*) "rules" means rules made under section 19.

Power to declare any area to be National Park.

4. Where it appears to the State Government in respect of any area that by reason of its floral, scenic or other natural beauty or educational, scientific, archaeological or historical association or importance, it is desirable to take measures for the purpose of preserving and enhancing the natural beauty or importance of the area and for the purpose of promoting their enjoyment by the community as a whole, the State Government may, by notification in the *Official Gazette*, declare such area to be a National Park for the purposes of this Act in the manner hereinafter provided.

Notification regarding declaration of National Park.

5. Whenever it has been decided to declare any area to be a National Park, the State Government shall issue a notification in the *Official Gazette*—

(*1*) stating that it has been decided to declare such area to be a National Park;

(*2*) specifying as nearly as possible the situation and the limits of such area, and

(*3*) directing the Collector to inquire into and determine the existence, nature and extent of any rights alleged to exist in favour of any person in or over the land comprised within the limits of such area and deal with the same as provided in this Act.

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[1]For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1950, Pt. V, p. 272.

Explanation.—For the purpose of this section, it shall be sufficient to describe the area by roads, rivers, ridges or other well known or readily intelligible boundaries.

Bar of accrual of any rights in land comprised in National Park.

6. After the issue of a notification under section 5, no right shall be acquired in or over the land comprised in such notification, except by succession.

Proclamation by the Collector.

7. When a notification has been issued under section 5, the Collector shall publish in the regional language in every town and village in the neighbourhood of the area comprised therein, a proclamation—

(*a*) specifying, as nearly as possible, the situation and the limits of the proposed National Park;

(*b*) fixing a period of not less than two months from the date of such proclamation, and requiring any person claiming any right mentioned in section 5 or section 6 within such period either to present to the Collector a written notice specifying or to appear before him and state, the nature of such right and the amount and particulars of the compensation, if any, claimed in respect thereof.

Inquiry by Collector.

8. The Collector shall take down in writing all statements made under section 7 and shall at some convenient place inquire into all claims duly preferred under that section and the existence of any rights mentioned in section 5 or 6 and not claimed under section 7 so far as the same may be ascertainable from the records of Government and the evidence of any persons likely to be acquainted with the same.

Extinction of rights.

9. Rights in respect of which no claim has been preferred under section 7, and of the existence of which no knowledge has been acquired by inquiry under section 8, shall be extinguished.

Power to acquire land over which right is claimed.

10. In the case of a claim to a right in or over any land, other than a right of public way or right of common pasture, the Collector shall either,—

(*a*) exclude such land from the limits of the proposed National Park, or

(*b*) come to an agreement with the owner thereof for the surrender of his rights, or

(*c*) proceed to acquire such land in the manner provided by the Land Acquisition Act, 1894. I of 1894.

Acquisition proceedings.

11. For the purpose of acquiring such land,—

(*1*) the Collector shall be deemed to be a Collector proceeding under the Land Acquisition Act, 1894; I of 1894

(*2*) the claimant shall be deemed to be a person interested and appearing before him in pursuance of a notice given under section 9 of that Act;

(*3*) the provisions of the preceding sections of that Act shall be deemed to have been complied with;

(*4*) the Collector with the consent of the claimant, or the Court, with the consent of both the parties, may award compensation in land or partly in land and partly in money; and

(*5*) in the case of the stoppage of a public way or a common pasture, the Collector may, with the previous sanction of the State Government, provide for a substitute public way or common pasture, as far as may be practicable or convenient.

Power of Collector to be exercised by other officers.

12. The State Government may, by a general or special order, direct that the powers exercisable or the functions to be performed by the Collector under sections 5 to 11 (both inclusive) may be exercised and performed by such officer as may be specified in the order.

Constitution of Advisory Committee.

13. (*1*) The State Government shall constitute an Advisory Committee consisting of the following members, namely :—

(*a*) four officials nominated by the State Government;

(*b*) three non-officials nominated by the State Government;

(*c*) one representative of the Bombay Natural History Society;

(*d*) one representative of the Agri-Horticultural Society of Western India, Poona;

(*e*) such additional members, if any, as may be nominated by the State Government, from time to time.

(*2*) The Director shall be a member and the Secretary of the Advisory Committee.

(*3*) The State Government shall appoint one of the members other than the Director to be the chairman of the Advisory Committee.

(*4*) The members shall ordinarily hold office on such terms as to tenure and vacation of office as may be prescribed :

Provided that the tenure of appointment of any member may be terminated by the State Government at any time without assigning any reason.

(*5*) The members shall be entitled to receive such allowances in respect of expenses properly incurred in the performance of their duties as may be prescribed.

Duties of Advisory Committee.

14. It shall be the duty of the Advisory Committee to advise the State Government—

(*1*) in the selection of areas to be declared as National Parks;

(*2*) in formulating the policy for administration of National Parks;

(*3*) in the matter of framing regulations under section 20; and

(*4*) on any matter connected with the National Parks which may be referred to it by the State Government for advice.

Procedure of Advisory Committee.

15. (*1*) The Advisory Committee shall meet at least once in a year at Bombay or such other place as the State Government may direct.

(*2*) The procedure (including the quorum) of the Advisory Committee shall be such as the Committee may by by-laws made in this behalf determine.

Appointment of Park Officers.

16. The State Government may for the purposes of this Act appoint—

(*a*) the Director;

(*b*) the Park Wardens; and

(*c*) such other officers and servants as may be necessary.

Duties of Park Officers.

17. (*1*) The Director shall be responsible for the proper preservation and management of the National Parks in the State and may—

(*a*) construct such works therein as may be necessary;

(*b*) exercise all such powers as may be necessary for carrying out the objects of this Act.

(*2*) In the performance of his duties and the exercise of his powers under this Act, the Director shall be subject to such general or special directions, as the State Government may from time to time give.

(*3*) The other Park Officers shall be subordinate to the Director and shall perform such duties as the Director may from time to time determine, subject to the provisions of this Act and the regulations made in this behalf.

Purposes for which National Park may be entered.

18. No person shall enter or reside in a National Park, except for the purposes of health, study or recreation or matters incidental thereto or transaction of any lawful business within the Park and otherwise than in accordance with the regulations made in this behalf.

Rules.

19. The State Government may by notification in the *Official Gazette* make rules for prescribing the ordinary tenure of office of members of the Advisory Committee and the allowances to such members under section 13.

Regulations.

20. (*1*) The State Government may make regulations for carrying out the purposes of this Act.

(*2*) In particular and without prejudice to the generality of the foregoing provision such regulations may be made for all or any of the following matters, namely :—

(*a*) the conditions subject to which any person may enter or reside in a National Park and the period during which the Park or any portion thereof shall be open to the public;

(*b*) the regulation of traffic and carriage of passengers in a Park;

(*c*) the fees, if any, to be paid for entry into or for residing in and for any other purpose connected with the use of the Park or any portion thereof;

(*d*) the powers and duties of the Park Officers in regard to the exclusion of members of the public from the Park or any portion thereof;

(*e*) the preservation, control and management of the Park;

(*f*) the protection of the indigenous flora and fauna;

(*g*) the protection from defacement by writing or otherwise of any tree, rock, fence, seat or other object in the Park;

(*h*) the protection of animals, the disposal of noxious, predatory or super-abundant animals and the taking of animals for scientific and propagating purposes;

(*i*) the preservation of public health and the abatement and prevention of nuisances:

(*j*) the prevention of any unauthorised exhibition, fixing, erection or retaining of any advertisement, board, hoarding or structure in the Park and removal of such advertisement, board, hoarding or structure;

(*k*) any other matter for which in the opinion of the State Government provision is expedient or necessary to carry out the object of this Act.

(*3*) The power to make regulations under this section shall be subject to the condition of previous publication.

(*4*) The regulations made under this section shall be published in the *Official Gazette* and on such publication shall have effect as if enacted in this Act.

Penalty.

21. Whoever contravenes any provision of this Act or of any regulation made under section 20 shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees or with both.

Offence under Act cognizable.

22. The offence punishable under section 21 shall be cognizable and every Park Officer authorised in this behalf by the Director shall have within the limits of the National Park all the powers of a police officer of the rank of sub-inspector.

Park Officers to be public servants.

23. All Park Officers shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code. XLV of 1860.

Protection to persons acting in good faith.

24. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act.

Saving.

25. For the avoidance of doubt, it is hereby declared that nothing in this Act shall apply to ancient and historical monuments and archaeological sites and remains declared by Parliament by law to be of national importance.

BOMBAY ACT No. LVI OF 1950.[1]

[THE BOMBAY CHARGED EXPENDITURE ACT, 1950.]

[*23rd December 1950*]

Amended by Bom. 2 of 1952.

An Act to amend certain enactments and to provide that certain expenditure shall be charged on the Consolidated Fund of the State.

WHEREAS it is expedient to amend certain enactments and to provide that certain expenditure incurred by the State Government shall be charged on the Consolidated Fund of the State ; It is hereby enacted as follows :—

Short title and commencement.

1. (*1*) This Act may be called the Bombay Charged Expenditure Act, 1950.

(*2*) It shall be deemed to have come into force on the 1st day of April 1950.

2-4. [*Amendments made by sections 2 to 4 have been incorporated in the Bombay Motor Vehicles Tax Act, 1935 (Bom. XXXIV of 1935), the Bombay Famine Relief Fund Act, 1936 (Bom. XIX of 1936) and the Bombay Sugarcane Cess Act, 1948 (Bom. LXXXII of 1948.)*]

Expenditure incurred on account of guarantee and payments to the Bagalkot Cement Company to be charged on the Consolidated Fund of the State.

5. (*1*) (*a*) Subject to and in accordance with the terms of the agreement dated the 23rd March 1949 made between the Governor of Bombay (hereinafter called the State Government) and the Bagalkot Cement Company, Limited (hereinafter called the Company) and the other parties specified in the said agreement and sanctioned by the State Government, by the Government Resolution (Education and Industries Department) No. 7989, dated the 26th March 1949,

(*b*) and subject also to such modifications as may from time to time lawfully be made in the terms of the said agreement, not being inconsistent with the following provisions of this sub-section,

the State Government shall for a period of five years from the date of the first allotment of the shares of the Company, guarantee to all the ordinary share-holders of the Company a dividend at the rate of three per cent. per annum on the ordinary shares held by them and shall pay to the Company on behalf of and as a trustee for such ordinary share-holders every year such amount as may be necessary to enable the Company to distribute to its ordinary share-holders a yearly dividend at the rate of three per cent. per annum on the total subscribed ordinary share-capital of the Company not exceeding the face value of rupees one crore :

Provided that in no event shall the amount payable by the State Government to the Company under the said guarantee exceed the aggregate sum of rupees fifteen lakhs for the said entire period of five years.

(*2*) Any expenditure incurred by the State Government under sub-section (*1*) shall be charged on the Consolidated Fund of the State.

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1950, Pt. V, pp. 409-410.

Expenditure incurred on account of guarantee and payment to a Housing Finance Society to be charged on Consolidated Fund of the State.

[1][5A. (*1*) Subject to the provisions of the Bombay Co-operative Societies Act, 1925, and subject also to such conditions as are specified in sub-section (*2*) and such other conditions as may by general or special order be specified by the State Government, the State Government— Bom. VII of 1925.

(*a*) shall guarantee to all the shareholders of a society which has been approved by the State Government in this behalf, a dividend at the rate of three and half per cent. per annum on the subscribed share capital not exceeding the face value of rupees one crore and the repayment of such share capital to the shareholders of such society; and

(*b*) shall pay to such society on behalf of and as a trustee for such shareholders every year such amount as may be necessary to enable such society to distribute to its shareholders a yearly dividend at the rate of three and half per cent. per annum on the subscribed share capital not exceeding the face value of rupees one crore as aforesaid and also such amount as may be necessary at any time to enable such society to repay to its shareholders such share capital.

(*2*) The conditions which a society has to satisfy shall be that—

(*i*) its subscribed share capital shall not exceed the face value of rupees one crore;

(*ii*) its object shall be to finance housing societies in the State of Bombay.

(*3*) Any expenditure incurred by the State Government under a guarantee given under sub-section (*1*) shall be charged on the Consolidated Fund of the State.]

Repeal of Bom. XIII of 1939.

6. The Bombay Charged Expenditure Act, 1939, is hereby repealed. Bom. XIII of 1939.

[1] This section was inserted by Bom. 2 of 1952, s. 8.

BOMBAY ACT No. LVII OF 1950.[1]

[THE PROVINCIAL SMALL CAUSE COURTS (BOMBAY AMENDMENT) ACT, 1950.]

[*27th December 1950.*]

An Act to amend the Provincial Small Cause Courts Act, 1887, in its application to the State of Bombay.

IX of 1887. WHEREAS it is expedient to amend the Provincial Small Cause Courts Act, 1887, in its application to the State of Bombay, for the purposes hereinafter appearing; It is hereby enacted as follows :—

Short title and commencement.

1. (*1*) This Act may be called the Provincial Small Cause Courts (Bombay Amendment) Act, 1950.

(*2*) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

IX of 1887.

Amendment of section 15 of Act IX of 1887.

2. In section 15 of the Provincial Small Cause Courts Act, 1887, hereinafter referred to as the said Act, in sub-section (*3*), for the words "one thousand rupees" the words "two thousand rupees" shall be substituted.

Amendment of section 28 of Act IX of 1887.

3. In section 28 of the said Act, in sub-section (*2*), for the words "five thousand rupees" the words "ten thousand rupees" shall be substituted.

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1950, Pt. V, p. 380.

THE BOMBAY PARAGANA AND KULKARNI WATANS (ABOLITION) ACT, 1950.

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SCHEDULE I.

SCHEDULE II.

BOMBAY ACT No. LX OF 1950.[1]

[THE BOMBAY PARAGANA AND KULKARNI WATANS (ABOLITION) ACT, 1950.]

[*25th January 1951*]

Amended by Bom. 3 of 1952.
,, ,, ,, 38 of 1953.
,, ,, ,, 29 of 1954.
,, ,, ,, 50 of 1955.*

An Act to abolish Paragana and Kulkarni Watans in the State of Bombay.

WHEREAS—

(*1*) the services appertaining to the office of hereditary District (Paragana) officers [except [2][in cases referred to in clauses (*2*) and (*2A*)] below] and to the office of certain hereditary village accountants (Kulkarnis) have ceased to be performed ;

(*2*) the services appertaining to the Deshpande watan of Nimbayat mahal in Malegaon Taluka of the Nasik District in respect of which commutation settlement has not yet been effected, are no longer required ;

[3][(*2A*) the services appertaining to the Deshmukh watan of the Borpada Village in the Navapur Taluka of the West Khandesh District are no longer required ;]

(*3*) the services appertaining to the remaining hereditary village accountants' (Kulkarnis') watans also are no longer required to be performed ;

AND WHEREAS it is expedient in the interest of the administration of the State to abolish the Paragana and Kulkarni watans and to make provisions for the performance of functions of some of those offices ;

It is hereby enacted as follows :—

Short title, extent and commencement.

1. (*1*) This Act may be called the Bombay Paragana and Kulkarni Watans (Abolition) Act, 1950.

(*2*) It extends to the whole of the State of Bombay excluding the merged territories.

(*3*) It shall come into force on such date as the State Government may by notification in the *Official Gazette* specify in this behalf.

Definitions.

2. (*1*) In this Act unless there is anything repugnant in the subject or context,—

(*a*) " appointed day " means the day on which this Act comes into force ;

(*b*) " code " means the Bombay Land Revenue Code, 1879 ;

Bom. V of 1879

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1950, Pt. V, pp.263, 264.
[2] This portion was substituted for the original by Bom. 50 of 1955, s. 2 (*1*).
[3] This clause was inserted, *ibid.*, s. 2(*2*).
*Section 8 of Bom. 50 of 1955, reads as follows :—

Amendments made by sections 4 and 5 to have retrospective effect.

8. The amendments made by sections 4 and 5 of this Act shall be deemed to have been made and come into force on the date on which the said Act came into force and shall always be deemed to have been made and in force from such date.

This Act has been amended in its application to the Deshmukh watan of the Borpada Village in the Navapur Taluka of the West Khandesh District by section 7 of Bom. 50 of 1955.

[1][(*bb*) " Collector " includes an officer appointed by the State Government to perform the functions and exercise the powers of the Collector under this Act ;]

(*c*) " commutation settlement " means a settlement made or confirmed under the provisions of the Watan Act relieving the holder, his heirs and successors of the liability to perform the services appertaining to the watan ;

(*d*) " Kulkarni watan " means a watan appertaining to the office of a village accountant and includes a watan appertaining to the said office in respect of which a commutation settlement has been effected ;

(*e*) " Paragana watan " means a watan appertaining to the office of a hereditary District (Paragana) Officer in respect of which a commutation settlement has been effected and includes the Deshpande watan of the Nimbayat mahal in Malegaon Taluka of the Nasik District [2][and the Deshmukh watan of the Borpada Village in the Navapur Taluka of the West Khandesh District] ;

(*f*) " prescribed " means prescribed by rules made under this Act ;

(*g*) " Watan Act " means the Bombay Hereditary Offices Act, 1874 ; Bom. III of 1874.

(*k*) " Watan land " means the land forming part of the property of a Paragana or Kulkarni watan.

(*2*) The words and expressions used in this Act shall have the meanings assigned to them in the Watan Act and in the Code, as the case may be, notwithstanding the fact that the provisions of the said Act or Code may not be applicable.

Abolition of certain watans together with the right to office and incidents.

3. With effect from and on the appointed day, notwithstanding anything contained in any law, usage, settlement, grant, sanad or order—

(*1*) all Paragana and Kulkarni watans shall be deemed to have been abolished ;

(*2*) all rights to hold office and any liability to render service appertaining to the said watans are hereby extinguished ;

(*3*) subject to the provisions of section 4, all watan land is hereby resumed and shall be deemed to be subject to the payment of land revenue under the provisions of the Code and the rules made thereunder as if it were an unalienated land :

Provided that such resumption shall not affect the validity of any alienation of such watan land made in accordance with the provisions of section 5 of the Watan Act or the rights of an alienee thereof or any person claiming under or through him;

(*4*) all incidents appertaining to the said watans are hereby extinguished.

Holder of watan land to be occupant.

4. (*1*) A watan land resumed under the provisions of this Act shall [3][subject to the provisions of section 4A,] be regranted to the holder of the watan to which it appertained, on payment of the occupancy price equal to twelve times of the amount of the full assessment of such land within [4][five years] from the date of the coming into force of this Act and the holder shall be deemed to be an occupant within the meaning of the Code in respect of such land and shall primarily be liable to pay land revenue to the State Government in accordance with the provisions of the Code and the rules made thereunder ; all the provisions of the Code and rules relating to unalienated land shall, subject to the provisions of this Act, apply to the said land :

Provided that in respect of the watan land which has not been assigned towards the emoluments of the officiator, occupancy price equal to six times of the amount of the full assessment of such land shall be paid by the holder of the land for its regrant :

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[1] Clause (*bb*) was inserted by Bom. 38 of 1953, s. 3 and Second Schedule. 214

[2] These words were inserted by Bom. 50 of 1955, s. 3.

[3] These words, figure and letter were inserted, *ibid.* s. 4.

[4] These words were substituted for the words "Three years" by Bom. 29 of 1954, s. 2.

Provided further that if the holder fails to pay the occupancy price within the period of [1][five years] as provided in this section, he shall be deemed to be unauthorisedly occupying the land and shall be liable to be summarily ejected in accordance with the provisions of the Code.

(*2*) The occupancy of the land regranted under sub-section (*1*) shall not be transferable or partible by metes and bounds without the previous sanction of the Collector and except on payment of such amount as the State Government may by general or special order determine.

(*3*) Nothing in [2][sub-sections (*1*) and (*2*)] shall apply to any land—

(*a*) the commutation settlement in respect of which provides expressly that the land appertaining to the watan shall be alienable without the sanction of the State Government ; or

(*b*) which has been validly alienated with the sanction of the State Government under section 5 of the Watan Act.

Explanation.—For the purposes of this section the expression "holder" shall include—

(*i*) all persons who on the appointed day are the watandars of the same watan to which the land appertained, and

(*ii*) in the case of a watan the commutation settlement in respect of which permits the transfer of the land appertaining thereto, a person in whom the ownership of such land for the time being vests.

All public roads, etc., situate in a watan village to vest in State Government and not to be regranted to watandar.

[3][**4A.** For the removal of doubts, it is hereby declared that all public roads, lanes and paths, the bridges, ditches, dikes and fences, on or beside, the same, the bed of the sea and of harbours, creeks below high water mark, and of rivers, streams, nalas, lakes, wells and tanks and all canals and water courses, and all standing and flowing water, and all unbuilt village site lands, situate within the limits of a village or land which was held immediately before the coming into force of this Act, as a Kulkarni or Paragana watan shall, except in so far as any rights of any person other than the holder of the watan, may be established in or over the same and except as may otherwise be provided by any law for the time being in force, vest in and shall be deemed to be, with all rights in or over the same or appertaining thereto, the property of the State Government and all rights held by the holder of the watan in such property shall be deemed to have been extinguished and it shall be lawful for the Collector, subject to the general or special orders of the State Government, to dispose them of as he deems fit, subject always to the rights of way and of other rights of the public or individuals other than the holder of the watan legally subsisting.]

Special rule of succession to be void.

5. Any provison of law, usage or practice relating to the succession to any watan land where by contrary to the personal law governing the parties the rule of primogeniture was followed and the female heirs were postponed in favour of male heirs, shall, on and from the appointed day, be void and cease to be in force.

[4][Compensation in lieu of cash allowance or land revenue.]

6. Notwithstanding anything contained in any law, usage, settlement, grant, sanad or order,—

(*1*) a sum equal to seven times the amount of the cash allowance due to a holder on the appointed day of a watan in respect of which a commutation settlement has been effected, shall be paid to such holder ;

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[1] These words were substituted for the words "three years" by Bom. 29 of 1954, s. 2.

[2] These words, brackets and figures were substituted for the word, brackets and figure "sub-section (2)" by Bom. 38 of 1953, s. 3 and second Schedule.

[3] This section was inserted by Bom. 50 of 1955, s. 5.

[4] This marginal note was substituted for the original, by Bom. 38 of 1953, s. 3 and second schedule.

(2) in the case of any land or village, in respect of which the watan property consists of the whole or a part of the land revenue of such land or village, [1][a sum equal to ten times the amount of such land revenue shall be paid to the holder and if the holder dies before the payment of such sum, to his heir or heirs, after deducting therefrom the amount of cash allowance, if any, paid to such holder or heir or heirs, as the case may be, during the period between the appointed day and the date on which the Bombay Land Tenures Abolition (Amendment) Act, 1953, came into force]. Bom. XXXVIII of 1953.

Explanation.—For the purposes of this section the expression "holder" shall have the same meaning as is assigned to it in sub-section (4) of section 15 of the Watan Act.

Compensation to the representative watandar.

[2][7. In the case of a person who has been registered as a representative watandar immediately before the appointed day and who in consequence of the coming into force of this Act ceases to be entitled to the right to perform the duties of the office of a hereditary village accountant, a sum equal to seven times the total amount of the emoluments payable annually in cash to the representative watandar performing such service in the year immediately preceding the year in which this Act comes into force shall be paid to such representative watandar as compensation and if such watandar dies before the payment of the sum to him, his heir or heirs shall be paid such sum, after deducting therefrom the amount of compensation, if any, received by the representative watandar or his heir or heirs as the case may be, during the period between the appointed day and the date on which the Bombay Land Tenures Abolition (Amendment) Act, 1953, came into force. Bom. XXXVIII of 1953.

Explanation.—For the purposes of this section, a deputy or substitute officiating for the representative watandar shall not be entitled to receive such sum.]

Application of Bombay Tenancy and Agricultural Lands Act, 1948.

8. If any watan land has been lawfully leased and such lease is subsisting on the appointed day, the provisions of the Bombay Tenancy and Agricultural Lands Act, 1948, shall apply to the said lease and the rights and liabilities of the holder of such land and his tenant or tenants shall, subject to the provisions of this Act, be governed by the provisions of the said Act. Bom. LXVII of 1948.

Explanation.—For the purposes of this section the expression 'land' shall have the same meaning as is assigned to it in the Bombay Tenancy and Agricultural Lands Act, 1948. Bom. LXVII of 1948.

Method of compensation for the abolition etc. of other rights in land.

9 (1) If any person is aggrieved by the provisions of this Act as abolishing, extinguishing or modifying any of his rights to or interest in property and if compensation for such abolition, extinguishment or modification has not been provided for in the provisions of this Act such person may apply to the Collector for compensation.

(2) An application under sub-section (1) shall be made to the Collector in a prescribed form [3][on or before the 30th day of April 1954 [4][Provided that where any person is aggrieved by the provisions of section 4A as abolishing, extinguishing

[1] This portion was substituted for the portion beginning with the words "a sum equal to the amount of such land revenue" and ending with the words "until the expiry of the said period of ten years", by Bom. 38 of 1953, s. 3 and second schedule

[2] Section 7 was substituted for the original, *ibid.*

[3] These words, figures and letters were substituted for the words letters and figures "on or before the 31st day of March 1952" *ibid*

[4] This portion was inserted by Bom. 50 of 1955, s. 6 (1).

or modifying any of his rights to or interest in property, such application shall be made within twelve months from the date on which the Bombay Paragana and Kulkarni Watans (Abolition) (Amendment) Act, 1955, comes into force.] The Collector shall, after holding a formal inquiry in the manner provided by the Code, make an award determining the compensation in the manner and according to the method provided for in sections 23 (*1*) and 24 of the Land Acquisition Act, 1894, [1][subject to the following conditions, namely :—

Bom. 50 of 1955.

I of 1894.

(*i*) if the property in question is land over which the public has been enjoying or has acquired a right of way or any individual has any right of easement, the amount of compensation shall not exceed the amount of the annual assessment, leviable in the village for uncultivated land in accordance with the rules made under the Code or if such rules do not provide for the levy of such assessment, such amount as in the opinion of the Collector shall be the market value of the right or interest held by the claimant ;

(*ii*) if there are any trees or structures on the land, the amount of compensation shall be the market value of such trees or structures, as the case may be.]

(*3*) Nothing in this section shall entitle any person to compensation on the ground that any watan land which was wholly or partially exempt from the payment of land revenue has been under the provisions of this Act subjected to the payment of full assessment in accordance with the provisions of the Code.

(*4*) Any person aggrieved by the award of the Collector made under sub-section (*2*) may appeal to the Bombay Revenue Tribunal constituted under the Bombay Revenue Tribunal Act, 1939, within 60 days from the date of the award.

Bom. XII of 1939.

(*5*) In deciding appeals under sub-section (*4*) the Bombay Revenue Tribunal shall exercise all the powers which a Court has and follow the same procedure which the Court follows in deciding appeals from the decree or order of an original Court under the Code of Civil Procedure, 1908.

V of 1908.

(*6*) In computing the period for filing appeals the provisions of sections 4, 5, 12 and 14 of the Indian Limitation Act, 1908, shall apply to the appeals made under this section.

IX of 1908.

[1] This portion was inserted by Bom. 50 of 1955, s. 6(*2*).

VII of 1870.

10. Notwithstanding anything contained in the Court-fees Act, 1870, every appeal made under this Act to the Bombay Revenue Tribunal shall bear a court-fee stamp of such value as may be prescribed. Court fees.

11. The award made by the Collector subject to an appeal to the Bombay Revenue Tribunal and the decision of the Bombay Revenue Tribunal on the appeal shall be final and conclusive and shall not be questioned in any suit or proceeding in any Court. Finality of award of Collector and decision of Revenue Tribunal.

12. All inquiries and proceedings before the Collector and the Bombay Revenue Tribunal under this Act shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal Code. Inquiries and proceedings to be judicial proceedings.

XLV of 1860.

13. The State Government may, subject to the condition of previous publication, make rules for the purposes of carrying out the provisions of this Act. Such rules shall when finally made be published in the *Official Gazette*. Rules.

14. (*1*) The provisions of the enactments specified in Schedule I shall cease to apply to Paragana and Kulkarni watans. Discontinuance of application of and amendment of certain laws.

(*2*) The provisions of the enactment specified in Schedule II shall be amended to the extent specified in column 4 of the said Schedule.

(*3*) Nothing in sub-sections (*1*) and (*2*) shall be deemed to affect—

(*a*) any obligation or liability already incurred before the coming into force of this Act;

(*b*) any proceeding in respect of such obligation or liability;

(*c*) anything done in the course of such proceeding in any Court on the aforesaid date, and any such proceeding may be continued, as if this Act had not been passed.

SCHEDULE I.

ENACTMENTS WHICH SHALL CEASE TO APPLY TO PARAGANA ND KULKARNI WATANS.

(Section 14.)

Year.	No.	Short title.	Extent of cessation of application.
1852	XI	The Bombay Rent-free Estates Act, 1852.	The whole Act ceases to apply.
1863	II	The Exemptions from Land-revenue (No. 1) Act, 1863.	Do.
1863	VII	The Exemptions from Land-revenue (No. 2) Act, 1863.	Do.
1874	III	The Bombay Hereditary Offices Act, 1874.	Do.
1886	V	The Bombay Hereditary Offices (Amendment) Act, 1886.	Do.

SCHEDULE II.

ENACTMENT AMENDED.

(Section 14.)

Year.	No.	Short title.	Extent of amendment.
1879	V	The Bombay Land Revenue Code, 1879.	(*i*) For section 16 the following shall be substituted, namely :—
			"16. It shall be lawful for the State Government to appoint a village accountant for a village or a group of villages. In villages where no hereditary patel exists, it shall be lawful for the State Government to appoint a stipendiary patel. The village accountant and the patel shall perform all the duties including the duties of village accountant or hereditary patel as hereinafter prescribed by this Act or any other law for the time being in force and shall hold their situations under the rules in force with regard to subordinate revenue officers.
			Nothing in this section shall be held to affect any subsisting rights of holders of alienated villages or others in respect of the appointment of patels and village accountants in any alienated or other villages.";
			(*ii*) In sections 58, 85 and 94A for the words "hereditary village accountant" or "hereditary accountant", wherever they occur, the words "village accountant" or "accountant", as the case may be, shall be substituted.

Appointment of village accountant and stipendiary patel.

THE BOMBAY WATWA VAZIFDARI RIGHTS ABOLITION ACT, 1950.

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PREAMBLE.

SECTIONS.

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3. Abolition of Vazifdari rights.
4. Method of Compensation on the abolition of Vazifdari rights.
5. Appeal against the Collector's award.
6. Limitation.
7. Court fees.
8. Finality of award of Collector and decision of Revenue Tribunal.
9. Inquiries and proceedings to be judicial proceedings.
10. Rules.

SCHEDULE.

BOMBAY ACT No. LXII OF 1950.[1]

[THE BOMBAY WATWA VAZIFDARI RIGHTS ABOLITION ACT, 1950.]

[*24th April 1951*]

Amended by Bom. 38 of 1953.

An Act to abolish the Vazifdari rights in the village of Watwa in the Daskroi Taluka in the District of Ahmedabad.

WHEREAS the management of the village of Watwa in the Daskroi taluka in the District of Ahmedabad was entrusted by Government to Sayad Baramiya, Chief Vazifdar and the other Sayad Vazifdars on certain conditions under an agreement; Whereas the period of the last of such agreement expired in the year 1919-20; Whereas thereafter the management of the village was continued with the Vazifdars; Whereas in the year 1949 the Government of Bombay resumed the management of the said village, but whereas after the resumption the Vazifdars continue to hold certain rights in the said village;

AND WHEREAS it is necessary and expedient in public interest to abolish the said rights; It is hereby enacted as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Bombay Watwa Vazifdari Rights Abolition Act, 1950.

(*2*) It shall come into force on such date as the State Government may by notification in the *Official Gazette* specify.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*a*) "Vazifdar" means Sayad Baramiya, Chief Vazifdar of the village of Watwa in the Daskroi taluka in the District of Ahmedabad or any of the Sayad descendants of Sayad Kudba Alum recognized as Vazifdars under the Vazifdari agreement;

(*b*) "Vazifdari agreement" means the agreement set out in the Schedule appended to this Act.

[2](*c*) "Collector" includes an officer appointed by the State Government to perform the functions and exercise the powers of the Collector under this Act.]

Abolition of Vazifdari rights.

3. With effect from and on the date on which this Act comes into force,—

(*a*) all Vazifdari rights in and with respect to the village of Watwa in the Daskroi taluka in the District of Ahmedabad legally subsisting on the said date shall be deemed to have been abolished;

(*b*) in particular, no Vazifdar or any person claiming through or under him shall be entitled to any of the following rights to which he may have been entitled under article XVIII of the Vazifdari agreement, namely:—

(*i*) three annas in every nineteen annas of the net collections of the land revenue on cultivated lands in the village of Watwa;

(*ii*) Bagayat Kassar on wells sunk by the Vazifdars;

(*iii*) the profit on trees, that is, six-annas share from fruit bearing trees.

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1950, Part V, page 498.

[2] Clause (*c*) was inserted by Bom. 38 of 1953, s. 3 and Second Schedule.

Method of compensation on the abolition of Vazifdari rights.

4. (*1*) If a Vazifdar or any other person claiming through or under him is aggrieved by any of the provisions of this Act, as extinguishing or abolishing any of his rights under the Vazifdari agreement, the Vazifdar or such person may apply to the Collector for compensation.

(*2*) Such application shall be made, in the form prescribed by rules made under this Act, within six months from the date on which this Act comes into force.

(*3*) The Collector shall after holding a formal inquiry in the manner prescribed by the Bombay Land Revenue Code, 1879, determine the amount of such compensation and the apportionment, if necessary, among the co-sharers entitled to it and shall make an award accordingly : Bom. V of 1879.

Provided that the amount of compensation for the abolition of such rights mentioned in clause (*b*) of section 3 shall not exceed three times the average of the amount proved to have been realised annually by the Vazifdar or such person during five years immediately before the date on which this Act comes into force in respect of his share :

Provided further that in determining the amount of compensation for any other rights proved to have been abolished by the provisions of this Act, the Collector shall be guided by the provisions of sub-section (*1*) of section 23 and section 24 of the Land Acquisition Act, 1894. I of 1894.

Appeal against the Collector's award.

5. (*1*) Any person aggrieved by the award of the Collector may appeal to the Bombay Revenue Tribunal constituted under the Bombay Revenue Tribunal Act, 1939. Bom. XII of 1939.

(*2*) In deciding appeals under this section, the Bombay Revenue Tribunal shall exercise all the powers which a Court has and follow the same procedure which a Court follows in deciding appeals from the decree or order of an original Court under the Code of Civil Procedure, 1908. V of 1908.

Limitation.

6. Every appeal made under this Act to the Bombay Revenue Tribunal shall be filed within a period of sixty days from the date of the award of the Collector. The provisions of sections 4, 5, 12 and 14 of the Indian Limitation Act, 1908, shall apply to the filing of such appeal. IX of 1908.

Court fees

7. Notwithstanding anything contained in the Court-fees Act, 1870, every appeal made under this Act to the Bombay Revenue Tribunal shall bear a court-fee stamp of such value as may be prescribed by rules made under this Act. VII of 1870.

Finality of award of Collector and decision of Revenue Tribunal.

8. The award made by the Collector subject to an appeal to the Bombay Revenue Tribunal and the decision of the Bombay Revenue Tribunal on the appeal shall be final and conclusive and shall not be questioned in any suit or proceeding in any Court.

Inquiries and proceedings to be judicial proceedings.

9. All inquiries and proceedings before the Collector and the Bombay Revenue Tribunal under this Act shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal Code. XLV of 1860.

Rules.

10. The State Government may, by notification in the *Official Gazette*, make rules for the purposes of carrying out the provisions of this Act. Such rules shall be subject to the condition of previous publication.

SCHEDULE.

MEMORANDUM of an agreement made and concluded on the 15th day of July 1898 between the Secretary of State for India on the one part and Syad Barra Meea, chief Wazifdar of the village of Watwa in the Daskroi Taluka of the Ahmedabad District and the whole body of Syad Wazifdars (collectively and individually) having shares in the said village of Watwa for himself and themselves and his and their heirs and assigns, on the other part, through P. J. Mead, Esquire, Acting Collector of Ahmedabad.

The name and designation "Barra Meea" used throughout this agreement shall be understood to mean the chief Wazifdar or head of Syad community; and the word "Wazifdar" shall include the whole body of Syads, descendants of "Kudba Alum," their heirs and successors, co-sharers with the said Barra Meea or chief Wazifdar for the time being.

ARTICLE I.

The Secretary of State for India hereby entrusts the management of the said village of Watwa (exclusive of the alienated lands as entered in the appended list) to the said Barra Meea, Wazifdar, for himself and on the part of the Wazifdars for 21 years, being the full unexpired portion of the Revenue Survey lease in the taluka Daskroi (that is to say,) from 1898-99 A.D. (that is, Samvat 1955) to 1919-20 A.D. (that is, Samvat 1976), on the conditions below recorded.

ARTICLE II.

The amount of the annual jamabandi to be paid to Government by the said Syad Barra Meea is fixed at Rs. 9,500 (nine thousand and five hundred rupees) only.

ARTICLE III.

The Barra Meea hereby agrees to pay the amount of jamabandi fixed in Article II of this agreement in two equal instalments. The first instalment to be paid on the 20th January and the second on 20th March. The whole of the Local Fund to be paid along with the first instalment.

In default of Barra Meea paying the said jamabandi, such of the said co-sharers as may be present and able, or his or their heirs, will make the payment without any pretence to remission on account of the responsibility of co-sharers. In case the said Barra Meea or his co-sharers, or his or their heirs, as assigns, should fail to do so, Government may adopt the measure for the collection of the revenue as prescribed by the Land Revenue Code and in any other Regulations and Acts which have been or may be passed, and he and the other co-sharers and his and their heirs and assigns will abide by the same, and in default of due payment being made by the parties aforesaid, or by any one of them, Government may resume the management of the said village without any objection on the part of Barra Meea or the Wazifdars or any other person on their behalf.

ARTICLE IV.

The whole of the water assessment imposed by the Revenue Survey Department on land watered from wells or on wells independent of any land they may water, shall be enjoyed by the said Syad Barra Meea and the Wazifdars, and if water is taken on land not charged with water assessment from a well in respect of which water assessment is leviable, then water assessment shall be chargeable on such land.

In respect of wells which have fallen into disuse and in respect of which water assessment has been imposed, the Syads shall, within two years, from the 1st August 1898, put the well into such a state of repair that it shall be capable of holding water and supplying water for irrigation : provided (1) that rubbish which may have accumulated in the well shall be taken out at the expense of the cultivator, (2) that the mathalun shall be made at the expense of the cultivator. If the Syads fail so to put a disused well into repair within two years from the 1st August 1898, the water assessment imposed on account of such well on all lands charged to water-rate on such account shall be cancelled.

After two years from the 1st of August 1898, that is, after the 1st of August 1900, the responsibility of keeping in good repair wells in use at that date shall lie on the cultivators and no deduction shall be made from the water rate imposed on account of such wells on the ground of their falling into disrepair after that date.

Claims to have wells put in good repair must be made within one year from the 1st April 1898 to the Collector or Assistant Collector, who will give due notice to the Barra Meea or Wazifdars, and no attention will be made to any petition for remission of water-rate on account of wells being in disuse made subsequently to 1st August 1898 unless claim to have the well put into good repair has been made before 1st April 1899.

All applications for remission on account of a well having fallen into disrepair should be made within one year from the 1st August 1900, and no attention will be paid to any petition made subsequently to that date.

ARTICLE V.

If any of the unoccupied land be at any time hereafter applied for cultivation, Barra Meea should, with consent of the Mamlatdar of Daskroi Taluka, give it for cultivation.

The rights to trees should remain as at present. (*Note.*—The present practice is stated to be—Pagi ¼ ; ⅜ Syad ; ⅜ cultivator.)

ARTICLE VI.

That (27 acres 36 gunthas) twenty-seven acres and thirty-six gunthas of land shall be held free of all assessment by Syad Barra Meea for the full term of this agreement on account of the " Durgah " in the said village of Watwa. He should receive a Devasthan Sanad for the land.

ARTICLE VII.

The Collector will appoint a Talati for the village on Barra Meea's nomination; but Barra Meea shall not discharge a Talati once appointed without the consent of the Collector first obtained; and the said Talati shall be amenable to all the penalties prescribed for Revenue and other officers by the Regulations and Acts of Government, present and prospective.

ARTICLE VIII.

All the village servants useful to Government shall be paid by Government as per appended list.

ARTICLE IX.

The said Barra Meea and his co-sharers will respect the rights and privileges and acknowledge the position of all Patels, Matadars, and other hereditary village officers in the same way as they are respected by the Collector in Khalsa villages.

ARTICLE X.

The revenue will be collected by Barra Meea through the Talati and Revenue Patel from cultivators as in Khalsa villages. The rules respecting receipts obtaining in Khalsa villages are to be observed by the village officers.

ARTICLE XI.

In letting out waste land for cultivation entire Revenue Survey numbers only shall be let; parts of numbers shall on no account be let.

ARTICLE XII.

The proprietors, Barra Meea and Wazifdars, of lands will take rent from the cultivators according to the rates fixed by the Survey, and on letting out lands for cultivation the occupancy price shall be the property of the proprietors (the Barra Meea and Wazifdars). On cultivators transferring their occupancies, nothing in this agreement shall be held to prevent the Barra Meea or Wazifdars from taking any customary due or exercising any customary right.

ARTICLE XIII.

The accounts shall be kept and statistics prepared by the Talati in the manner prescribed from time to time by the Collector, and shall be produced whenever required by Government officers.

ARTICLE XIV.

For the due apportionment of the co-sharers' respective shares and for keeping the accounts of the same, the said Barra Meea is alone responsible to the co-sharers. Government have no responsibility whatever therein.

ARTICLE XV.

The papers, records and orders which may be given by Government, and all the papers which may be in the possession of the Syad Barra Meea respecting the management of the village, shall be made over to the successors of Barra Meea with the management, and shall be produced whenever required by Government.

ARTICLE XVI.

The Barra Meea and Wazifdars will take care that the boundary marks made by the Revenue Survey Department are kept in good repair according to the rules in the khalsa villages, and will duly attend to the orders which may be issued relative to their inspection and the transmission of reports respecting them.

ARTICLE XVII.

The said Barra Meea and Wazifdars will act according to the stipulations contained in the foregoing articles. If they or any of their successors should act in opposition to any of the articles of this agreement, or deviate therefrom in any way, or omit to do anything which by this agreement should be done, then this agreement may be cancelled by the Governor in Council, and the management of the village may be resumed ; and the said Syad Barra Meea, Wazifdars or his or their successors shall have no claim on Government for any loss owing to such resumption.

ARTICLE XVIII.

In event of such resumption or in event of the said Syad Barra Meea or his successors voluntarily withdrawing from this agreement, Government will manage the village as may seem best to them, and the Syad Barra Meea and the Wazifdars and his and their successors will have no claim under such management on the lands or revenues of such village, or any of the profits of the same other than the former accustomed profits on trees, the Bagayat Kassar on wells sunk by the said Barra Meea and the Wazifdars or their ancestors, and three annas in every nineteen annas of the net collections of revenue on cultivated lands in the said village of Watwa.

BOMBAY REGULATION No. I OF 1950.

[THE BOMBAY BUILDING (CONTROL ON ERECTION) REGULATION, 1950.]

[*24th October 1950*]

A Regulation to provide for the control on erection and re-erection of buildings in the Scheduled areas in the State of Bombay.

WHEREAS it is necessary to provide for the control on erection and re-erection of buildings in the Scheduled Areas in the State of Bombay ;

AND WHEREAS it is necessary to provide for the aforesaid matter for the peace and good government of the said areas ;

NOW, THEREFORE, in exercise of the powers conferred by sub-paragraph (2) of paragraph 5 of the Fifth Schedule to the Constitution of India, the Governor of Bombay is, with the assent of the President, hereby pleased to make the following Regulation, namely :—

Short title, extent, commencement and application.

1. (*1*) This Regulation may be called the Bombay Building (Control on Erection) Regulation, 1950.

(*2*) It extends to the Scheduled Areas in the State of Bombay.

(*3*) It shall come into force at once.

(*4*) It shall apply only to buildings which are intended to be used for the purpose of a theatre, a cinema or any other place of public amusement.

Application of Bom. XXXI of 1948 to Scheduled Areas.

2. Section 2 to 14A of the Bombay Building (Control on Erection) Act, 1948 (Bom. XXXI of 1948), as amended, shall, so far as may be, apply to the Scheduled Areas in the State of Bombay.

THE REQUISITIONED LAND (CONTINUANCE OF POWERS) (BOMBAY AMENDMENT) ACT, 1951.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.
2. Continuance of Act XVII of 1947 subject to certain modifications.
3. Modifications in Act XVII of 1947.

BOMBAY ACT No. I OF 1951.[1]

[THE REQUISITIONED LAND (CONTINUANCE OF POWERS) (BOMBAY AMENDMENT) ACT, 1951.]

[*27th March 1951*]

An Act to provide for the continuance of certain emergency powers in relation to requisitioned land in the State of Bombay.

WHEREAS it is expedient to provide for the continuance of the Requisitioned Land (Continuance of Powers) Act, 1947, for a further period till the 1st day of April 1953 in so far as the said Act relates to matters with respect to which the State Legislature has power to make laws; It is hereby enacted as follows :—

XVII of 1947.

1. (*1*) This Act may be called the Requisitioned Land (Continuance of Powers) (Bombay Amendment) Act, 1951. Short title and extent.

(*2*) It extends to the whole of the State of Bombay.

2. Notwithstanding anything contained in the Requisitioned Land (Continuance of Powers) Act, 1947, hereinafter called the said Act, the provisions of the said Act, in so far as they relate to matters with respect to which the State Legislature has power to make laws, shall, subject to the modifications specified in section 3, continue to remain in force after 31st March 1951 and shall cease to have effect on the 1st day of April 1953 except as respects things already done or omitted to be done before the expiration thereof, and section 7 of the Bombay General Clauses Act, 1904, shall apply upon the expiry of the said Act as if it had then been repealed by a Bombay Act. Continuance of Act XVII of 1947 subject to certain modifications.

XVII of 1947.

Bom. I of 1904.

3. (*1*) References in the said Act to requisitioned land shall be construed as references to such land which after the commencement of the Constitution could have been requisitioned by the State Government and references to appropriate Government shall in relation to such requisitioned land be construed as references to the State Government. Modifications in Act XVII of 1947.

(*2*) In sub-section (*3*) of section 6 of the said Act, after the words "in force" the following words shall be inserted, namely :—

"subject to the modification that for the words 'Central Government', wherever they occur, the words 'State Government' shall be substituted."

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1951, Part V, page 109.

THE BOMBAY APPROPRIATION ACT, 1951.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.
2. Issue of Rs. 2,09,57,46,000 out of the Consolidated Fund of the State of Bombay for the year 1951–52.
3. Appropriation.

SCHEDULE.

BOMBAY ACT No. IV OF 1951.[1]

[THE BOMBAY APPROPRIATION ACT, 1951.]

[*30th March 1951*]

An Act to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State of Bombay to the service of the year ending on the thirty-first day of March 1952.

WHEREAS by virtue of article 204 of the Constitution of India it is necessary to provide for the passing of an Appropriation Act for the appropriation of sums from and out of the Consolidated Fund of the State of Bombay to the service of the year ending on the thirty-first day of March, 1952; and for the purpose of authorising payment of the said sums; It is hereby enacted as follows :—

1. This Act may be called the Bombay Appropriation Act, 1951. Short title.

2. From and out of the Consolidated Fund of the State of Bombay, there may be paid and applied sums not exceeding those specified in column 4 of the Schedule hereto annexed amounting in the aggregate to the sum of Rupees 2,09,57,46,000 towards defraying the several charges which will come in course of payment during the year ending on the thirty-first day of March, 1952, in respect of the services and purposes specified in column 2 of the Schedule. Issue of Rs. 2,09,57,46,000 out of the Consolidated Fund of the State of Bombay for the year 1951-52.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Bombay by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thirty-first day of March, 1952. Appropriation.

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1951, Part V, page 235.

SCHEDULE.

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3		4	
			Rs.	Rs.	Rs.
1	Land Revenue ..	7, Land Revenue ..	1,64,23,000	....	1,64,23,000
2	State Excise ..	8, State Excise ..	32,26,000	....	32,26,000
3	Stamps	9, Stamps ..	5,03,000	....	5,03,000
4	Forest	10, Forest ..	1,13,35,000	*33,000*	1,13,68,000
5	Registration ..	11, Registration ..	14,47,000	....	14,47,000
6	Charges on account of Motor Vehicles Acts.	12, Charges on account of Motor Vehicles Acts.	12,62,000	*1,00,13,000*	1,12,75,000
7	Other Taxes and Duties.	13, Other Taxes and Duties.	33,80,000	*42,86,000*	76,66,000
8	Interest on works for which capital accounts are kept—Irrigation Works.	17, Interest on works for which capital accounts are kept—Irrigation Works.	....	*63,58,000*	63,58,000
9	Irrigation (including working expenses).	XVII—*Deduct*—Working expenses, "18, Other revenue expenditure financed from ordinary revenues" and "19, Construction of Irrigation, Navigation, Embankment and Drainage Works".	2,70,59,500*	....	2,70,59,500
		Carried over ..	6,46,35,500	*2,06,90,000*	8,53,25,500

*Made up as shown below :—

	Rs.
XVII—*Deduct*—Working Expenses	28,34,300
18, Other revenue expenditure financed from ordinary revenues—Public Works ...	1,15,91,200
18, Other revenue expenditure financed from ordinary revenues—Civil ...	21,34,000
19, Construction of Irrigation, Navigation, Embankment and Drainage Works ...	1,05,00,000
	2,70,59,500

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3	4		
			Rs.	Rs.	Rs.
		Brought forward ..	6,46,35,500	*2,06,90,000*	8 53,25,500
10	Interest on debt and other obligations.	22, Interest on debt and other obligations.	....	*67,18,000*	67,18,000
11	Appropriation for reduction or avoidance of debt.	23, Appropriation for reduction or avoidance of debt.	....	*71,23,000*	71,23,000
12	General Administration.	25, General Administration.	3,50,58,000	*9,32,000*	3,59,90,000
13	Administration of Justice.	27, Administration of Justice.	1,76,73,000	*21,31,000*	1,98,04,000
14	Jails and Convict Settlements.	28, Jails and Convict Settlements.	71,58,000	....	71,58,000
15	Police	29, Police ..	9,08,17,000	....	9,08,17,000
16	Ports and Pilotage ..	30, Ports & Pilotage .	2,47,000	....	2,47,000
17	Dangs	33-A, Dangs District.	33,77,000	....	33,77,000
18	Scientific Departments.	36, Scientific Departments.	7,17,000	....	7,17,000
19	Education ..	37, Education ..	11,97,68,000	....	11,97,68,000
20	Medical	38, Medical ..	2,47,69,000	....	2,47,69,000
21	Public Health ..	39, Public Health ..	1,60,89,000	....	1,60,89,000
22	Agriculture ..	40, Agriculture ..	2,18,08,000	....	2,18,08,000
23	Veterinary ..	41, Veterinary ..	51,23,000	....	51,23,000
24	Co-operation ..	42, Co-operation ..	92,33,000	....	92,33,000
25	Industries ..	43, Industries ..	70,18,000	....	70,18,000
26	Capital outlay on Industrial Development.	43-A, Capital outlay on Industrial Development.	27,000	....	27,000
27	Miscellaneous Departments (except labour).	47, Miscellaneous Departments.	2,98,72,300	....	2,98,72,300
		Carried over ..	45,33,89,800	*3,75,94,000*	49,09,83,800

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding: Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3		4	
			Rs.	Rs.	Rs.
		Brought forward ...	45,33,89,800	*3,75,94,000*	49,09,83,800
28	Labour	47, Miscellaneous Departments.	39,72,700	....	39,72,700
29	Civil Works ..	50, Civil Works ..	4,40,70,200*	*2,42,500**	4,43,12,700
30	Bombay Development Scheme.	51, Bombay Development Scheme.	11,50,400	.....	11,50,400
31	Electricity Schemes ...	XLI, Receipts from Electricity Schemes—*Deduct*—Working Expenses.	28,75,100	.....	28,75,100
32	Other Revenue Expenditure, etc.	52-A, Other Revenue Expenditure connected with Electricity Schemes.	2,00,02,000	.....	2,00,02,000
33	Capital Outlay on Electricity Schemes.	53, Capital Outlay on Electricity Schemes.	2,25,000	.....	2,25,000
34	Famine	54, Famine ...	5,40,000	.....	5,40,000
35	Political Pensions ...	54-A, Political Pensions.	11,89,000	.....	11,89,000
36	Superannuation allowances and pensions.	55, Superannuation allowances and pensions.	2,02,85,000	*5,60,000*	2,08,45,000
		Carried over ...	54,76,99,200	*3,83,96,500*	58,60,95,700

	Voted.	*Charged.*
	Rs.	Rs.
*Made up as shown below :—		
50, Civil Works	3,75,42,500	*2,42,500*
XVII, *Deduct*—Working Expenses—		
Establishment	4,20,300	.....
Tools and plant	17,400	.....
18, Other Revenue Expenditure —		
Establishment	20,00,800	.....
Tools and plant	1,03,000	.....
XLI, Receipts from Electricity Schemes— *Deduct*—Working Expenses—		
Establishment	3,200	.....
Tools and plant	300	.....
51, Bombay Development Schemes—		
Establishment	1,46,400	.....
Tools and plant	12,200	.....
68, Construction of Irrigation, etc., Works—		
Establishment	16,71,000	.....
Tools and plant	1,39,500	.....
81, Capital Account of Civil Works, etc.—		
Establishment	18,03,400	.....
Tools and plant	1,50,200	.....
	4,40,70,200	*2,42,500*

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding: Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3		4	
			Rs.	Rs.	Rs.
		Brought forward ...	54,76,99,200	*3,83,96,500*	58,60,95,700
37	Stationery and Printing.	56, Stationery and Printing.	67,40,000	.....	67,40,000
38	Miscellaneous ...	57, Miscellaneous ...	2,30,49,000	.....	2,30,49,000
39	Civil Defence ...	64-B, Civil Defence ...	3,000	.....	3,000
		Total Expenditure on Revenue Account (including Revenue Expenditure and Capital Expenditure within Revenue Account).	57,74,91,200	*3,83,96,500*	61,58,87,700
40	Irrigation ...	68, Construction of Irrigation, etc., Works.	98,84,500	.....	98,84,500
41	Public Health ...	70, Capital Outlay on Improvement of Public Health.	40,00,000	.....	40,00,000
42	Industrial Development.	72, Capital Outlay on Industrial Development.	95,00,000	.....	95,00,000
43	Bombay Development Scheme.	80, Bombay Development Scheme.	6,000	.....	6,000
44	Civil Works ...	81, Capital Account of Civil Works outside the Revenue Account.	1,00,18,400	.....	1,00,18,400
45	Electricity Schemes ...	81-A, Capital Outlay on Electricity Schemes.	1,13,32,000	.....	1,13,32,000
46	Housing for displaced persons and Milk Scheme.	82, Capital Account of other State Works outside the Revenue Account.	5,46,76,000	.....	5,46,76,000
47	Payments of commuted value of Pensions.	83, Payments of commuted value of Pensions.	6,90,000	.....	6,90,000
48	State Schemes connected with the State Trading.	85-A, Capital Outlay on State Schemes of State Trading.	1,32,66,21,400	*17,20,000*	1,32,83,41,400
		Total Capital Expenditure outside the Revenue Account.	1,42,67,28,300	*17,20,000*	1,42,84,48,300
49	Loans and Advances bearing interest.	Loans and Advances by State Government.	4,28,21,000	.....	4,28,21,000
50	Loans from the Central Government.	Loans from the Central Government.	.....	*85,89,000*	85,89,000
		Total Disbursements under Debt Heads.	4,28,21,000	*85,89,000*	5,14,10,000
		Grand Total ...	2,04,70,40,500	*4,87,05,500*	2,09,57,46,000

THE BOMBAY (SUPPLEMENTARY) APPROPRIATION ACT, 1951.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.
2. Issue of Rs. 17,32,36,228 out of the Consolidated Fund of the State of Bombay for the year 1950-51.
3. Appropriation.

SCHEDULE.

BOMBAY ACT No. V OF 1951.[1]

[THE BOMBAY (SUPPLEMENTARY) APPROPRIATION ACT, 1951.]

[*30th March 1951*]

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Bombay to the service of the year ending on the thirty-first day of March 1951.

WHEREAS by virtue of Article 204 of the Constitution of India, read with Article 205 thereof, it is necessary to provide for the passing of an Appropriation Act for the appropriation of further sums from and out of the Consolidated Fund of the State of Bombay to the service of the year ending on the thirty-first day of March 1951; and for the purpose of authorising payment of the said sums; It is hereby enacted as follows:—

Short title.

1. This Act may be called the Bombay (Supplementary) Appropriation Act, 1951.

Issue of Rs. 17,32,36,228 out of the Consolidated Fund of the State of Bombay for the year 1950-51.

2. From and out of the Consolidated Fund of the State of Bombay, there shall be paid and applied sums not exceeding those specified in column 4 of the Schedule hereto annexed amounting in the aggregate to the sum of Rupees 17,32,36,228 towards defraying the several charges which will come in course of payment during the year ending on the thirty-first day of March 1951, in respect of the services and purposes specified in column 2 of the Schedule.

Appropriation.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Bombay by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thirty-first day of March 1951.

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1951, Part V, page 244.

SCHEDULE.

Serial No.	Services and purposes.	Heads of Accounts	Sums not exceeding.		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3		4	
			Rs.	Rs.	Rs.
1	Land Revenue ...	7—Land Revenue ...	65,32,646	.....	65,32,646
2	Stamps... ...	9—Stamps ...	93,300	.....	93,300
3	Forest	10—Forest ...	33,000	.....	33,000
4	Registration ...	11—Registration ...	61,000	.....	61,000
5	Charges on account of Motor Vehicles Acts.	12—Charges on Account of Motor Vehicles Acts.	37,430	.....	37,430
6	Other Taxes and Duties.	13—Other Taxes and Duties.	2,92,542	*43,86,000*	46,78,542
7	Irrigation (including working expenses).	XVII—*Deduct*—Working expenses, "18—Other revenue expenditure financed from ordinary revenues" and "19—Construction of Irrigation, Navigation, Embankment and Drainage Works."	1,31,63,213	.....	1,31,63,213
8	Interest on debt and other obligations.	22—Interest on Debt and other obligations.	.....	*22,89,600*	22,89,600
9	General Administration.	25—General Administration.	30,57,602	.....	30,57,602
10	Administration of Justice.	27—Administration of Justice.	8,29,000	.....	8,29,000
11	Jails and Convict Settlements.	28—Jails and Convict Settlements.	27,18,010	.....	27,18,010
12	Police ...	29—Police ...	20,76,779	.....	20,75,779
13	Scientific Departments.	36—Scientific Departments.	16,60,590	.....	16,60,590
14	Education ...	37—Education ...	37,18,738	.....	37,18,738
15	Medical ...	38—Medical ...	16,99,356	.....	16,99,356
16	Public Health ...	39—Public Health ...	11,28,039	.....	11,28,039
17	Agriculture ...	40—Agriculture ...	15,99,016	.....	15,99,016

SCHEDULE—*contd.*

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding.		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3		4	
			Rs.	Rs.	Rs.
18	Veterinary ...	41—Veterinary ...	2,47,687	.....	2,47,687
19	Co-operation ...	42—Co-operation ...	3,47,961	.....	3,47,961
20	Industries ...	43—Industries ...	1,04,836	.....	1,04,836
21	Capital outlay on Industrial Development.	43-A—Capital outlay on Industrial Development.	1,14,130	.....	1,14,130
22	Miscellaneous Departments (except Labour).	47—Miscellaneous Departments.	1,16,41,202	.....	1,16,41,202
23	Civil Works ...	50—Civil Works ...	11,50,680	*3,39,238*	14,89,868
24	Other Revenue expenditure, etc.	52-A—Other Revenue Expenditure connected with Electricity Schemes.	49,719	.....	49,719
25	Capital outlay on Electricity Schemes.	53—Capital Outlay on Electricity Schemes.	45,585	...	45,585
26	Famine... ...	54—Famine ...	1,19,345	...	1,19,345
27	Superannuation allowances and pensions.	55—Superannuation allowances and pensions.	32,90,000	...	32,90,000
28	Stationery and Printing.	56—Stationery and Printing.	23,38,487	...	23,38,487
29	Miscellaneous ...	57—Miscellaneous ...	53,51,373	*233*	53,51,606
30	Extraordinary Charges.	63—Extraordinary Charges.	3,525	...	3,525
		Total expenditure on Revenue Account (including Revenue Expenditure and Capital Expenditure within Revenue Account).	6,35,03,741	*70,15,071*	7,05,18,812

SCHEDULE—*concld.*

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding.		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3		4	
			Rs.	Rs.	Rs.
31	Irrigation ..	68—Construction of Irrigation, Navigation, Embankment and Drainage Works.	8,34,000	.....	8,34,000
32	Bombay Development Scheme.	80—Bombay Development Scheme.	4,775	.....	4,775
33	Civil Works ...	81—Capital Account of Civil Works outside the Revenue Account.	6,05,419	*31,300*	6,56,719
34	Payments of commuted value of pensions.	83—Payments of commuted value of pensions.	4,60,000	.....	4,60,000
35	Appropriations to the Contingency Fund.	85-B—Appropriations to the Contingency Fund.	3,00,00,000	.....	3,00,00,000
		Total Capital expenditure outside the Revenue Account.	3,19,04,194	*31,300*	3,19,35,494
36	Permanent Debt ...	Permanent Debt ...	.....	*73,305*	73,805
37	Floating Debt ...	Floating Debt ...	.....	*6,41,56,567*	6,41,56,567
38	Advances Repayable.	Advances Repayable.	31,18,000	.....	31,18,000
39	Loans and Advances bearing interest.	Loans and Advances by State Government.	34,34,050	.....	34,34,050
		Total Disbursements under Debt Heads.	65,52,050	*6,42,29,872*	7,07,81,922
		Grand Total ...	10,19,59,985	*7,13,76,243*	17,82,86,228

BOMBAY ACT No. VI OF 1951.[1]

[THE PRESS AND REGISTRATION OF BOOKS (BOMBAY AMENDMENT) ACT, 1951.]

[*14th April 1951*]

An Act to amend the Press and Registration of Books Act, 1867, in its application to the State of Bombay.

XXV of 1867. WHEREAS it is expedient to amend the Press and Registration of Books Act, 1867, in its application to the State of Bombay, for the purpose hereinafter appearing; It is hereby enacted as follows :—

Short title

1. This Act may be called the Press and Registration of Books (Bombay Amendment) Act, 1951.

Amendment of section 11A of Act XXV of 1867.

XXV of 1867. **2.** In section 11-A of the Press and Registration of Books Act, 1867, for the word "two" the word "three" shall be substituted.

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1951, Part V, page 31.

THE BOMBAY SPECIAL SUITS AND PROCEEDINGS VALIDATING ACT, 1951.

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4. Pending and dismissed suits and proceedings.
5. Allowance of fees paid in High Court.
6. Exclusion of time for suits and proceedings filed in City Court.
7. Stage from which pending suits or proceedings to be heard.
8. Removal of difficulties.

BOMBAY ACT No. XV OF 1951.[1]

[THE BOMBAY SPECIAL SUITS AND PROCEEDINGS VALIDATING ACT, 1951.]

[*24th April 1951*]

An Act to validate special jurisdiction suits and proceedings in the State of Bombay.

WHEREAS by Government Notification, Home Department, No. 2346/5, dated the 20th January 1950, the State Government invested the Bombay City Civil Court with jurisdiction to receive, try and dispose of certain suits and proceedings of a civil nature not exceeding twenty-five thousand rupees in value and arising in Greater Bombay;

WHEREAS in Original Civil Jurisdiction Suit No. 240 of 1950 the Bombay High Court held that the said notification was invalid and of no effect;

WHEREAS in Civil Appeal No. 10 of 1950 in its civil appellate jurisdiction the Supreme Court of India set aside the said decision of the Bombay High Court and held that the said notification was *intra vires* and legal;

WHEREAS during the interval between the date of the said notification and the decision of the Supreme Court certain suits and proceedings of a civil nature have been instituted in the Bombay High Court and some of them have been tried and disposed of;

AND WHEREAS it is necessary and expedient to validate the decrees and orders which have been passed in the said suits and proceedings and to provide for the return and presentation of those which have been dismissed or are pending to the City Court;

It is hereby enacted as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Bombay Special Suits and Proceedings Validating Act, 1951.

(*2*) It shall come into force on such date as the State Government may by notification in the *Official Gazette* appoint in this behalf.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*1*) "Special jurisdiction suit or proceeding" means a suit or proceeding of a civil nature exceeding ten thousand rupees, but not exceeding twenty-five thousand rupees in value and arising in Greater Bombay, but does not include any suit or proceeding specified in clauses (*a*) to (*d*) of section 3 of the principal Act.

Bom. XL of 1948.

(*2*) "Principal Act" means the Bombay City Civil Court Act, 1948.

(*3*) "Jurisdiction notification" means Government Notification (Home Department), No. 2346/5, dated the 20th January 1950, issued by the State Government in exercise of the powers conferred by section 4 of the principal Act and published in the *Official Gazette* on 20th January 1950.

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1951, Part V, pp. 100-101.

(*4*) "Supreme Court decision" means the decision of the Supreme Court in its Civil Appellate jurisdiction in Civil Appeal No. 10 of 1950—the State of Bombay *vs.* Narottamdas Jethabhai and A. P. Phillips.

(*5*) Words and expressions not defined but used in this Act shall have the meaning assigned to them in the principal Act.

Decrees and orders to be deemed to be valid.

3. (*1*) Decrees and orders passed by the High Court in its Original as well as Appellate jurisdiction in special jurisdiction suits and proceedings instituted in the High Court on or after the date of the jurisdiction notification shall, notwithstanding anything contained in the principal Act, be deemed to have been validly passed by the High Court and shall not be deemed to be invalid merely on the ground that the suit or proceeding in which the said decree or order was passed was received, tried or disposed of by the High Court in contravention of sections 4 and 12 of the principal Act.

(*2*) All appeals and execution proceedings arising out of such decrees or orders shall be received, tried or disposed of by such Court, as if the suits or proceedings in which such decrees or orders were passed were validly received by the High Court, notwithstanding anything contained in the principal Act.

Pending and dismissed suits and proceedings.

4. (*1*) All special jurisdiction suits or proceedings instituted in the High Court on or after the date of the jurisdiction notification and pending in the said Court at the commencement of this Act shall, on application by a party to such suit or proceeding, made within three months from the date of the commencement of this Act, be, notwithstanding anything contained in any law for the time being in force, returned by the said Court for being filed in the City Court. If no such application is made within the said period of three months in respect of any such suit or proceeding, such suit or proceeding shall stand dismissed.

(*2*) All such special jurisdiction suits or proceedings dismissed by the High Court, after the Supreme Court decision but before the commencement of this Act, merely on the ground that the High Court was not competent to receive, try and dispose of them under sections 4 and 12 of the principal Act, may, within the period of three months from the date of the commencement of this Act, or within the period of limitation applicable to such suit or proceeding under the provisions of the Indian Limitation Act, 1908, whichever period is longer, be filed in the City Court, notwithstanding the fact that they were dismissed by the High Court. IX of 1908.

(*3*) All special jurisdiction suits and proceedings which stand dismissed under sub-section (*1*) on the ground that no application was made for their return for being filed in the City Court within the time specified therein may be filed in the City Court within the period of limitation applicable to such suit or proceeding under the Indian Limitation Act, 1908. IX of 1908.

(*4*) Nothing in section 13 of the principal Act shall apply to the suits or proceedings returned for being filed in the City Court under sub-section (*1*).

Allowance of fees paid in High Court.

5. When any suit or proceeding referred to in section 4 is filed in the City Court, in the calculation of the institution fee leviable in respect of such suit or proceeding, credit shall be given by the City Court for any court-fee levied in the High Court and costs incurred in the said Court till the date of its return for being filed in the City Court or of its dismissal, as the case may be, shall be assessed in the manner prescribed by rules made under sub-section (*2*) of section 18 of the principal Act as if such suit or proceeding was transferred to the City Court under the said section.

Exclusion of time for suits and proceedings filed in City Court.

6. In computing the period of limitation in respect of any suit or proceeding referred to in sub-section (*1*) of section 4 and filed in the City Court, the period from the date on which the said suit or proceeding was received by the High Court until the date on which the said suit or proceeding was returned by the High Court for being filed in the City Court, shall be excluded.

Stage from which pending suits or proceedings to be heard.

7. Suits or proceedings returned for being filed in the City Court under sub-section (*1*) of section 4 shall, when filed in the City Court, be tried and disposed of from the stage up to which they were heard by the High Court and the record of such suit or proceeding up to the said stage of trial in the High Court shall be and form part of the record of such suit or proceeding in the City Court, as if the said suit or proceeding was originally received by the City Court.

Removal of difficulties.

8. If any difficulty arises in the trial or disposal of any suit or proceeding referred to in the foregoing provisions, in the execution of decrees or orders or the hearing or disposal of appeals arising therefrom, the High Court may pass such orders as it may deem necessary or expedient for the removal of such difficulty.

BOMBAY ACT No. XX OF 1951.[1]

[THE CODE OF CRIMINAL PROCEDURE (BOMBAY AMENDMENT) ACT, 1951.]

[*2nd June 1951*]

An Act to amend the Code of Criminal Procedure, 1898, in its application to the State of Bombay.

WHEREAS it is expedient to amend the Code of Criminal Procedure, V of 1898. 1898, in its application to the State of Bombay, for the purposes hereinafter appearing; It is hereby enacted as follows:—

Short title and extent.

1. (*1*) This Act may be. called the Code of Criminal Procedure (Bombay Amendment) Act, 1951.

(*2*) It extends to the whole of the State of Bombay.

Insertion of new section 197A.

V of 1898. 2. After section 197 of the Code of Criminal Procedure, 1898, the following new section shall be inserted, namely:—

Prosecution of Commissioner appointed by Civil Court.

"197A. When any person, who is a Commissioner appointed by V of 1908. a Court under the provisions of the Code of Civil Procedure, 1908, is accused of any offence alleged to have been committed by him while acting or purporting to act in the discharge of his functions as Commissioner, no court shall take cognizance of such offence except with the previous sanction of the Court, which appointed such person as Commissioner."

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1951, Part V, page 33.

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THE BOMBAY POLICE ACT, 1951.

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BOMBAY ACT No. XXII OF 1951.[1]

[THE BOMBAY POLICE ACT, 1951.]

[*11th June 1951*]

Amended by Bom. 21 of 1952.
" " " 18 of 1953.
" " " 20 of 1953.
" " " 21 of 1954.
" " " 28 of 1954.
" " " 57 of 1954.
" " " 6 of 1955.
" " " 1 of 1956.

An Act to consolidate and amend the law for the regulation of the Police Force in the State of Bombay.

WHEREAS it is expedient to amalgamate the District and Greater Bombay Police Forces in the State of Bombay into one common Police Force and to introduce uniform methods regarding the working and control of the said Force throughout the State ; And whereas it is necessary to consolidate and amend the law relating to the regulation of the said Force and the exercise of powers and performance of functions by the State Government and by the members of the said Force for the maintenance of public order ; And whereas it is necessary to provide for certain other purposes hereinafter appearing ; It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

Short title, extent and commencement.

1. (*1*) This Act may be called the Bombay Police Act, 1951.

(*2*) It extends to the whole of the State of Bombay.

(*3*) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, specify in this behalf.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*1*) " cattle " includes elephants, camels, horses, asses, mules, sheep, goats and swine ;

Bom. III of 1888. Bom. LIX of 1949.

(*2*) " Corporation " means a Corporation constituted under the Bombay Municipal Corporation Act or the Bombay Provincial Municipal Corporations Act, 1949 ;

(*3*) the expression " competent authority " when used with reference to the exercise or performance of any power, duty or function, under the provisions of this Act, means—

(*a*) in relation to Greater Bombay, and other areas for which a Commissioner of Police is appointed under section 7, the Commissioner ;

(*b*) in relation to the areas other than those referred to in clause (*a*) the District Magistrate or the District Superintendent or the Additional Superintendent when specially empowered in that behalf by the State Government ;

(*4*) " constable " means a police officer of the lowest grade ;

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1950, Part V, page 324 ; for Report of the select Committee, *see ibid.*, 1951, Part V, pages 34—88.

(*5*) " district " means a territorial division constituting a district for the purposes of the Code of Criminal Procedure, 1898, but does not include Greater Bombay ; V of 1898.

(*6*) " Inspector-General ", " Additional Inspector-General ", " Commissioner " " Deputy Inspector-General ", " Deputy Commissioner ", " Assistant Commissioner ", " District Superintendent ", " Additional Superintendent ", " Assistant Superintendent " and " Deputy Superintendent ", means respectively the Inspector-General of Police, the Additional Inspector-General of Police, a Commissioner of Police including an Additional Commissioner of Police, a Deputy Inspector-General of Police, a Deputy Commissioner of Police, an Assistant Commissioner of Police, a District Superintendent of Police, an Additional Superintendent of Police and Assistant Superintendent of Police and a Deputy Superintendent of Police appointed or deemed to be appointed under this Act ;

(*7*) " municipality " means a municipality constituted or deemed to be constituted under the Bombay Municipal Boroughs Act, 1925, or the Bombay District Municipal Act, 1901 ; Bom. XVIII of 1925. Bom. III of 1901.

(*8*) " place " includes a building, a tent, a booth or other erection, whether permanent or temporary, or any area whether enclosed or open ;

(*9*) " place of public amusement " means any place where music, singing, dancing, or any diversion or game, or the means of carrying on the same is provided and to which the public are admitted either on payment of money or with the intention that money may be collected from those admitted and includes a race course, circus, theatre, Music hall, billiard room, bagatelle room, gymnasium, fencing school, swimming pool or dancing hall ;

(*10*) " place of public entertainment " means any place to which the public are admitted, and where any kind of food or drink is supplied for consumption on the premises by any person owing or having an interest in or managing such place and includes a refreshment room, eating-house, coffee-house, liquor-house, boarding house, lodging house, hotel, tavern or wine, beer, spirit arrack, toddy, ganja, bhang or opium shop [1][or a shop where any kind of food or drink is supplied to the public for consumption in or near such shop] ;

(*11*) " Police officer " means any member of the Police Force appointed or deemed to be appointed under this Act, and includes a special or an additional Police officer appointed under section 21 or 22 ;

(*12*) " prescribed " means prescribed by rules ;

(*13*) " public place " includes the foreshore, the precincts of every public building or monument, and all places accessible to the public for drawing water, washing or bathing or for the purpose of recreation ;

(*14*) " rules " means rules made under this Act ;

(*15*) " street " includes any highway, bridge, way over a causeway, viaduct arch, quay or wharf or any road, lane, footway, square, court, alley or passage accessible to the public, whether a thrcughfare or not ;

(*16*) " Subordinate ranks " means members of the Police Force below the rank of the Inspector ;

(*17*) " vehicle " means any carriage, cart, van, dray truck, hand cart or other conveyance of any description and includes a bicycle, a tricycle, a rickshaw, an automatic car, a vessel or an aeroplane.

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[1] These words were added by Bom. 57 of 1954, s. 2.

CHAPTER II.

Superintendence, control and organisation of the Police Force.

3. There shall be one Police Force for the whole of the State : One Police Force for the whole State.

Provided that the members of the Police Forces constituted under any of the Acts mentioned in Schedule I, immediately before the coming into force of this Act, shall be deemed to be the members of the said Police Force.

4. The superintendence of the Police Force throughout the State vests in and is exercisable by the State Government and any control, direction or supervision exercisable by any officer over any member of the Police Force shall be exercisable subject to such superintendence. Superintendence of Police Force to vest in the State Government.

5. Subject to the provisions of this Act— Constitution of Police Force.

(*a*) the Police Force shall consist of such number in the several ranks and have such organization and such powers, functions and duties as the State Government may by general or special order determine ;

(*b*) the recruitment, pay, allowances and all other conditions of service of the Police Force shall be such as may from time to time be determined by the State Government by general or special order :

Provided that—

(*i*) the rules or orders governing the recruitment, pay, allowances and other conditions of service of the members of the Police Force constituted under any of the Acts mentioned in Schedule I and deemed to be the members of the Police Force under section 3 shall continue in force until altered or cancelled under clause (*b*),

(*ii*) nothing in this clause shall apply to the recruitment, pay, allowances and other conditions of service of the members of the Indian Police and Indian Police Service.

6. (*1*) For the direction and supervision of the Police Force, the State Government shall appoint an Inspector-General of Police who shall exercise such powers and perform such functions and duties and shall have such responsibilities and such authority as may be provided by or under this Act or orders made by the State Government. Inspector-General, Additional and Deputy Inspector-General.

(*2*) (*a*) The State Government may appoint an Additional Inspector-General and one or more Deputy Inspectors-General of Police.

(*b*) The State Government may direct that any of the powers, functions, duties and responsibilities and the authority of the Inspector-General may be exercised, performed or discharged, as the case may be, by the Additional Inspector-General or a Deputy Inspector-General.

(*c*) The State Government may also by a general or special order direct that the Additional Inspector-General or Deputy Inspector-General shall assist and aid the Inspector-General in the performance, exercise and discharge of his powers, functions, duties, responsibilities and authority in such manner and to such extent as may be specified in the order.

Commissioner.

7. (*a*) The State Government may appoint a Police officer to be the Commissioner of Police for Greater Bombay or any other area specified in a notification issued by the State Government in this behalf and published in the *Official Gazette.*

(*b*) The State Government may also appoint an Additional Commissioner of Police for the areas specified in clause (*a*).

(*c*) The Commissioner shall exercise such powers, perform such functions and duties and shall have such responsibilities and authority as are provided by or under this Act or as may otherwise be directed by the State Government by a general or special order :—

Provided that the State Government may direct that any of the powers, functions, duties, responsibilities or authority exercisable or to be performed or discharged by the Commissioner shall be exercised, performed or discharged subject to the control of the Inspector-General :

Provided further that the area for which a Commissioner has been appointed under this section shall not, unless otherwise provided by or under this Act, be under the charge of the District Magistrate or the District Superintendent for any of the purposes of this Act, notwithstanding the fact that such area forms part of a district within the territorial jurisdiction for which a District Magistrate or a District Superintendent may have been appointed.

Appointment of District, Additional, Assistant and Deputy Superintendents.

8. (*1*) The State Government may appoint for each District or for a part of a District or for one or more Districts a Superintendent and one or more Additional, Assistant and Deputy Superintendents of Police, as it may think expedient.

(*2*) The State Government may, by a general or special order, empower an Additional Superintendent to exercise and perform in the district for which he is appointed or in any part thereof, all or any of the powers, functions or duties to be exercised or performed by a District Superintendent under this Act or under any law for the time being in force.

(*3*) The District Superintendent may, with the previous permission of the State Government, delegate any of the powers and functions conferred on him by or under this Act to an Assistant or Deputy Superintendent.

Appointment of Superintendents for Wireless System and Motor Transport System or for any specific duty.

[1][**8A.** The State Government may appoint for the whole of the State of Bombay or for any part thereof one or more Superintendents of Police as it may think fit—

(*1*) for the Police Wireless System ;

(*2*) for the Police Motor Transport System ; or

(*3*) for the performance of such specific duties as the State Government may from time to time determine in this behalf, and the Superintendent so appointed shall exercise such powers and perform such functions as the State Government may from time to time assign to him :

Provided that such powers and functions shall be exercised or performed subject to the control of the Inspector-General.]

[1] Section 8A was inserted by Bom. 20 of 1953, s. 2.

9. The State Government may appoint any Police Officer not below the rank of a District Superintendent to be the Principal of the Central Police Training School, Nasik, and may assign to him such powers, functions and duties as it may think fit. Principal, Central Police Training School, Nasik.

10. (*1*) The State Government may appoint one or more Deputy Commissioners and one or more Assistant Commissioners of Police in Greater Bombay or in any area in which a Commissioner has been appointed under clause (*a*) of section 7. Deputies and Assistants to Commissioner.

(*2*) Every such Deputy or Assistant Commissioner shall, under the orders of the Commissioner, exercise and perform any of the powers, functions and duties of the Commissioner to be exercised or performed by him under the provisions of this Act or any other law for the time being in force in accordance with the general or special orders of the State Government made in this behalf :

Provided that the powers to be exercised by the Commissioner [1][of making, altering or rescinding rules under section 33] shall not be exercisable by a Deputy or Assistant Commissioner.

11. (*1*) The State Government may appoint for Greater Bombay such number of Superintendents of Police as it may think expedient. Superintendent in Greater Bombay.

(*2*) A Superintendent appointed under sub-section (*1*) shall exercise such powers and perform such duties and functions as can be exercised or performed under the provisions of this Act or any other law for the time being in force or as are assigned to him by the Commissioner under the general or special orders of the State Government ;

Provided that the powers to be exercised by the Commissioner [2][of making, altering or rescinding rules under section 33] shall not be exercisable by the Superintendent :

12. (*1*) Subject to the control of the State Government, the Commissioner for Greater Bombay shall, if he thinks fit— Constitution of divisions and sections.

(*a*) constitute within the Greater Bombay, Police divisions,

(*b*) sub-divide the same into sections, and

(*c*) define the limits and extent of such divisions and sections.

(*2*) Each such division shall be in charge of a Superintendent of Police and each section shall be in charge of an Inspector of Police. Officers in charge of divisions and sections.

[3][**12A.** Subject to the general or special orders of the State Government the Commissioner for the area for which he is appointed and the Inspector-General for other areas shall appoint Inspectors.] Inspectors.

13. [*Inspector-General and Commissioner to exercise the powers of First Class Magistrate and Presidency Magistrate.*] *Deleted by Bom. XXI of 1954, Second Sch.*

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[1] These words and figures were substituted for the words and figures "under section 13 or 33" by Bom. 57 of 1954, s. 3.

[2] These words and figures were substituted for the words and figures "under section 13 or 33" by Bom. 1 of 1956, s. 2.

[3] Section 12A was inserted by Bom. 28 of 1954, s. 2.

Certificate of appointment.

14. (*1*) Every Police officer [1]* * [2][of the grade of Inspector or below], shall on appointment receive a certificate in form provided in Schedule II. The certificate shall be issued under the seal of such officer as the State Government may by general or special order direct.

(*2*) A certificate of appointment shall become null and void whenever the person named therein ceases to belong to the Police Force or shall remain inoperative during the period within which such person is suspended from such Force.

Effect of suspension of Police officer.

15. The powers, functions and privileges vested in a police shall remain suspended whilst such Police officer is under suspension from office:

Provided that notwithstanding such suspension such person shall not cease to be a Police officer and shall continue to be subject to the control of the same authorities to which he would have been, if he was not under suspension.

General powers of Commissioner and District Superintendent.

16. The Commissioner, subject to the orders of the Inspector-General, and the District Superintendent, subject to the orders of the Inspector-General and the District Magistrate, shall, within their respective spheres of authority direct and regulate all matters of arms, drill, exercise observation of persons and events, mutual relations, distribution of duties, study of laws, orders and modes of proceedings and all matters of executive detail or the fulfilment of their duties by the Police Force under him.

Control of District Magistrate over Police Force in district.

17. (*1*) The District Superintendent and the Police Force of a district shall be under the control of the District Magistrate.

(*2*) In exercising such control the District Magistrate shall be governed by such rules and orders as the State Government may make in this behalf.

Power of District Magistrate to require reports from District Superintendent.

18. The District Magistrate may require from the District Superintendent reports, either particular or general, on any matter connected with the crimes, habitual offenders, the prevention of disorder, the regulation of assemblies and amusements, the distribution of the Police Force, the conduct and character of any Police officer subordinate to the District Superintendent, the utilization of auxiliary means and all other matters in furtherance of his control of the Police Force and the maintenance of order.

Power of supervision by District Magistrates.

19. If the District Magistrate observes any marked incompetence or unfitness for the locality or for his part icular duties, in any Police officer subordinate to the District Superintendent, he may require the District Superintendent to substitute another officer for any officer whom he has power to transfer and the District Superintendent shall be bound to comply with the requisition:

Provided that if the Police officer concerned is an officer [3][of a grade higher than that of an Inspector] the District Magistrate may report his conduct to the Inspector-General. The Inspector-General may, thereafter, determine the action to be taken and pass such orders as he thinks fit, and shall communicate such action or order to the District Magistrate.

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[1] The words "of and" were deleted by Bom. 20 of 1953, s. 3.

[2] These words were substituted for the words "below the grade of Inspector" by Bom. 28 of 1954, s. 3.

[3] These words were substituted for the words "of the grade of the Inspector or of a higher grade" *ibid.*, s. 4.

Power of Inspector-General and Commissioner to investigate, and regulate matters of Police accounts.

20. The Inspector-General, throughout the State and the Commissioner in the area for which he is appointed, shall, subject to the orders of the State Government, have authority to investigate and regulate all matters of account connected with the Police in the State or in the area, as the case may be, and all persons concerned shall be bound to give him reasonable aid and facilities in conducting such investigations and to conform to his orders consequent thereto.

Special Police officers.

21. (*1*) The Commissioner, the District Superintendent, or any Magistrate [1]* * * * * specially empowered in this behalf by the State Government, may, at any time by a written order signed by himself and sealed with his own seal appoint any able-bodied male person between the ages of 18 and 50, whom he considers fit to be a Special Police Officer to assist the Police Force on any occasion, when he has reason to apprehend the occurrence of any riot or grave disturbance of the peace within the limits of his charge and he is of opinion that the ordinary Police Force is not sufficient for the protection of the inhabitants and for the security of property.

(*2*) Every special Police officer so appointed shall on appointment—

(*a*) receive a certificate in a form approved by the State Government in this behalf,

(*b*) have the same powers, privileges and immunities and be liable to the same duties and responsibilities and be subject to the same authorities as an ordinary Police officer.

Appointment of additional Police.

22. (*1*) Additional Police officers of such rank or grade for such time and on such pay as the authority specified by or under the provisions of this Act in that behalf may determine, may be employed or deputed for the purpose stated in such provisions.

(*2*) Every additional Police officer appointed, shall on appointment—

(*a*) receive a certificate in a form approved by the State Government in this behalf,

(*b*) be vested with all or such of the powers, privileges and duties of a Police officer as are specially mentioned in the certificate, and

(*c*) be subject to the orders of the Commissioner or the District Superintendent, as the case may be.

(*3*) The employment or deputation of such additional Police officer may be made at the request of any person requiring such Police and the cost of such employment shall be recovered in such manner as is provided by or under this Act or under any other law for the time being in force.

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[1] These words were deleted by Bom. 21 of 1954, s. 3, Second Sch.

CHAPTER III.

Regulation, Control and Discipline of the Police Force.

Framing of rules for administration of the Police.

23. Subject to the orders of the State Government the Commissioner in the case of the Police Force allocated to Greater Bombay and other areas for which he has been appointed and the Inspector-General in the case of the Police Force allocated to other areas may make rules or orders not inconsistent with this Act or with any other enactment for the time being in force—

(*a*) regulating the inspection of the Police Force by his subordinates ;

(*b*) determining the description and quantity of arms, accoutrements, clothing and other necessaries to be furnished to the Police ;

(*c*) prescribing the places of residence of members of the Police Force ;

(*d*) for institution, management and regulation of any Police fund for any purpose connected with police administration ;

(*e*) regulating, subject to the provisions of section 17, the distribution, movements and location of the Police ;

(*f*) assigning duties to Police officers of all ranks and grades, and prescribing—

(*i*) the manner in which, and

(*ii*) the conditions subject to which, they shall exercise and perform their respective powers and duties ;

(*g*) regulating the collection and communication by the Police of intelligence and information ;

(*h*) generally, for the purpose of rendering the Police efficient and preventing abuse or neglect of their duties.

Inspector-General or Commissioner may call for returns.

24. (*1*) The Inspector-General may, subject to the rules and orders of the State Government, call for such returns, reports and statements on subjects connected with the suppression of crime, the maintenance of order and the performance of their duties as his subordinates may be able to furnish to him. The Inspector-General shall communicate to the District Magistrate any general orders issued by him for the purposes aforesaid or in consequence of the information furnished to him, and also any orders which the State Government may direct.

(*2*) The Commissioner may subject as aforesaid with reference to the area under his charge call for such reports, returns and statements as are provided for in sub-section (*1*).

Punishment of the members of the subordinate ranks of the Police Force departmentally for neglect of duty, etc.

25. (*1*) The State Government, or any officer authorised by sub-section (*2*) in that behalf, may suspend, reduce, dismiss or remove [1][an Inspector or] any member of the subordinate ranks of the Police Force whom he shall think cruel, perverse, remiss or negligent in the discharge of his duty or unfit for the same, and may fine to an amount not exceeding one month's pay, any member of the subordinate ranks of the Police Force, who is guilty of any breach of discipline or misconduct or any act rendering him unfit for the discharge of his duty, which does not require his suspension or dismissal.

Punitive powers of Inspector-General, Commissioner, Deputy Inspector-General and District Superintendent.

(*2*) (*a*) The Inspector-General, the Commissioner and the Deputy Inspector-General shall have authority to punish [2][an Inspector or] any member of the subordinate ranks under sub-section (*1*). A District Superintendent shall have the like authority in respect of any Police officer subordinate to him below the grade of Inspector [3][and may suspend an Inspector who is subordinate to him pending inquiry into a complaint against such Inspector and until an order of the Inspector-General or Deputy Inspector-General can be obtained.]

(*b*) The Principal of the Central Police Training School, Nasik, shall also have the like authority in respect of any member of the subordinate ranks of the Police Force below the grade of Inspector [4][undergoing training at the said school or] serving under him, and in respect of head constables and constables belonging to the Police Force of the Nasik District or of any other district attached to the said school for duty under him. [5][He may also suspend an Inspector who is [6][undergoing training at the said school or] subordinate to him pending inquiry into a complaint against such Inspector and until an order of the Inspector-General or Deputy Inspector-General can be obtained.]

[7][(*bb*) A Superintendent of Police appointed under section 8A for the Police Wireless System or the Police Motor Transport System or for performing any specific duties shall have the like authority in respect of any Police officer subordinate to him below the grade of Inspector].

(*c*) The exercise of any power conferred by this sub-section shall be subject always to such rules and orders as may be made by the State Government in that behalf.

(*3*) Nothing in sub-sections (*1*) and (*2*)—

(*a*) shall affect any Police officer's liability to a criminal prosecution for any offence with which he may be charged ; or

(*b*) shall entitle any authority subordinate to that by which the Police officer was appointed, to dismiss or remove him.

Procedure to be observed in awarding punishment.

26. When any officer passes an order for fining, suspending, reducing, removing or dismissing a Police officer, he shall record such order or cause the same to be recorded, together with the reasons therefor and a note of the inquiry made, in writing, under his signature :

Provided that [8][no order for reducing, removing or dismissing a Police officer] shall be passed without giving him a reasonable opportunity of showing cause against the action proposed to be taken against him except in cases referred to in the proviso (*a*) to clause (2) of Article 311 of the Constitution.

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[1] The words "an Inspector or " were inserted by Bom. 28 of 1954, s. 5 (*1*).
[2] The words "an Inspector or " were inserted, *ibid.*, s. 5 (*2*) (*i*).
[3] These words were deleted by Bom. 20 of 1953, s. 4 (*1*) and again inserted by Bom. 28 of 1954, s. 5 (*2*) (*ii*).
[4] These words were inserted by Bom. 6 of 1955, s. 2 (*1*).
[5] These words were deleted by Bom. 20 of 1953, s. 4 (*2*) and again inserted by Bom. 28 of 1954, s. 5 (*3*).
[6] These words were inserted by Bom. 6 of 1955, s. 2 (*2*).
[7] Clause (*bb*) was inserted by Bom. 20 of 1953, s. 4 (*3*).
[8] These words were substituted for the words " no such order " by Bom. 57 of 1954, s. 4.

Appeals from orders of punishment.

27. An appeal against any order passed against a Police officer under section 25 or the rules or orders thereunder shall lie to the State Government itself or to such officer as the State Government may by general or special order specify.

Police officers to be deemed to be always on duty and to be liable to employment in any part of the State.

28. (*1*) Every Police officer not on leave or under suspension shall for all purposes of this Act be deemed to be always on duty, and any Police officer or any number or body of Police officers allocated for duty in one part of the State may, if the State Government or the Inspector-General so directs, at any time be employed on Police duty in any other part of the State for so long as the services of the same may be there required.

Intimation of proposed transfers to be given by the Inspector-General to the Commissiner and District Magistrate.

(*2*) Timely intimation shall, except in cases of extreme urgency, be given to the Commissioner and the District Magistrate by the Inspector-General of any proposed transfer under this section, and, except, where secrecy is necessary the reasons for the transfer shall be explained ; whereupon the officers aforesaid and their subordinates shall give all reasonable furtherance to such transfer.

Under what conditions Police officer may resign.

29. [1][(*1*) No Police officer [2][of the grade of Inspector or] of the subordinate ranks shall resign his office or, withdraw himelf from the duties thereof, except with the written permission of the Commissioner or the Deputy Inspector-General, Criminal Investigation Department, or of the Principal of the Central Police Training School, Nasik, or of the District Superintendent or of some other Police officer empowered by the Inspector-General or the Commissioner to grant such permission:

Provided that, subject to the provisions of sub-section (*2*), no such permission shall be granted to any such Police officer until he has fully discharged any debt due by him as such Police officer to Government or to any Police fund].

(*2*) If any such Police officer produces a certificate signed by the Police Surgeon or the Civil Surgeon declaring him to be unfit by reason of disease or mental or physical incapacity for further service in the Police, the necessary written permission to resign shall forthwith be granted to him on his discharging or giving satisfactory security for the payment of any debt due by him as such Police officer, to Government or to any Police fund.

Arrear of pay of a Police officer contravening this section may be forfeited.

(*3*) If any such Police officer as aforesaid resigns or withdraws himself from the duties of his office in contravention of this section, he shall be liable on the order of the Commissioner, or the Deputy Inspector-General, Criminal Investigation Department, or of the Principal of the Central Police Training School, Nasik, or of the District Superintendent, as the case may be, to forfeit all arrears of pay then, due to him. This forfeiture shall be in addition to the penalty to which the said officer is liable under section 145 of this Act or any other law in force.

Certficate, arms, etc., to be delivered up by person ceasing to be a Police officer and

30. (*1*) Every person who for any reason ceases to be a Police officer shall forthwith deliver up to some officer empowered by the Commissioner, or the Deputy Inspector-General, Criminal Investigation Department, or the Principal of the Central Police Training School, Nasik, or the District Superintendent to whom such Police officer is subordinate to receive the same, his certificate of appointment or of office and the arms, accoutrements, clothing and other necessaries which have been furnished to him for the performance of duties and functions connected with his office.

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[1] Sub-section (*1*) was substituted for the original by Bom. 20 of 1953, s. 5.
[2] These words were inserted by Bom. 28 of 1954, s. 6.

(2) Any Magistrate and, for special reasons which shall be recorded in writing at the time, the Commissioner or the Deputy Inspector-General, Criminal Investigation Department, or the Principal of the Central Police Training School, Nasik, or any District Superintendent, Assistant Superintendent, or Deputy Superintendent may issue a warrant to search for and seize, wherever they be found, any certificate, arms, accoutrements, clothing or other necessaries not so delivered up. Every warrant so issued shall be executed in accordance with the provisions of the Code of Criminal Procedure, 1898, by a Police officer or, if the Magistrate, the Commissioner, the Deputy Inspector-General, Criminal Investigation Department, the Principal of the Central Police Training School, Nasik, the District Superintendent, the Assistant Superintendent or the Deputy Superintendent issuing the warrant so directs, by any other person.

If not delivered up may be seized under a search warrant.

V of 1898.

(3) Nothing in this section shall be deemed to apply to any article which, under the orders of the Inspector-General, or the Commissioner, as the case may be, has become the property of the person to whom the same was furnished.

Saving of certain articles.

31. (1) Any Police officer occupying any premises provided by the State Government for his residence—

(a) shall occupy the same subject to such conditions and terms as may generally or in special cases, be specified by the State Government, and

(b) shall, notwithstanding anything contained in any law for the time being in force, vacate the same on his ceasing to be a Police officer or whenever the State Government or any officer authorised by the State Government in this behalf thinks it necessary and expedient to require him to do so.

Occupation of and liability to vacate premises provided for Police officers.

(2) If any person who is bound or required under sub-section (1) to vacate any premises fails to do so, the State Government or the officer authorised in this behalf by the State Government may order such person to vacate the premises and may direct any Police officer with such assistance as may be necessary to enter upon the premises and remove therefrom any person found therein and to take possession of the premises and deliver the same to any person specified in the direction.

III of 1888.

32. Subject to the provisions of the Police Act, 1888, and save in so far as the operation of this section may be temporarily suspended by the special order of the State Government, nothing in Chapters II and III shall be deemed to affect any officers of the Railway Police employed within the limits of the State of Bombay on Police functions connected with the administration of any railway and any such Police officer shall, in the discharge of such functions, be vested with the powers, privileges and be subject to the liabilities of a Police officer of the establishment to which he belongs.

Saving in regard to Railway Police.

CHAPTER IV.

Police Regulations.

33. (1) The Commissioner and the District Magistrate, in areas under their respective charges or any part thereof, may make, alter or rescind rules or orders not inconsistent with this Act for—

(a) licensing and controlling persons offering themselves for employment at quays, wharves and landing places, and outside Railway stations, for the carriage of passengers' baggages, and fixing and providing for the enforcement of a scale of charges for the labour of such persons so employed ;

Power to make rules for regulation of traffic and for preservation of order in public place etc.

(*b*) regulating traffic of all kinds in streets and public places, and the use of streets and public places by persons riding, driving, cycling, walking or leading or accompanying cattle, so as to prevent danger, obstruction or inconvenience to the public ;

(*c*) regulating the conditions under which vehicles may remain standing in streets and public places, and the use of streets as halting places for vehicles or cattle ;

(*d*) prescribing the number and position of lights to be used on vehicles in streets and the hours between which such lights shall be used ;

[1][(*da*) licensing, controlling or prohibiting the display of any pictures, advertisements, news boards or public notices upon a vessel or boat in territorial waters or on inland waterways other than national waterways ;]

(*e*) prescribing certain hours of the day during which cattle shall not be driven along the streets, or along certain specified streets, except subject to such regulations as he may prescribe in that behalf ;

(*f*) regulating the leading, driving, conducting or conveying of any elephant or wild or dangerous animal through or in any street ;

(*g*) regulating and controlling the manner and mode of conveying timber, scaffold poles, ladders, iron girders, beams or bars, boilers or other unwieldly articles through the streets, and the route and hours for such conveyance ;

(*h*) licensing, controlling or, in order to prevent the obstruction, inconvenience, annoyance, risk, danger or damage of the residents or passengers in the vicinity, prohibiting the carrying in streets and public places of gunpowder or any other explosive substance ;

(*i*) prohibiting, except along certain specified streets and during specified hours and subject to such regulations as he may prescribe in that behalf, the exposure or movement in any street of persons or animals suffering from contagious or infectious diseases and the carcasses of animals or part thereof and the corpses of persons deceased ;

(*j*) prescribing certain hours of the day during which ordure or offensive matter or objects shall not be taken from or into houses or buildings in certain street or conveyed through such streets except subject to such rules as he may make in that behalf ;

(*k*) setting apart places for the slaughtering of animals, the cleaning of carcasses or hides, the deposit of noxious or offensive matter and for obeying calls of nature ;

(*l*) in cases of existing or apprehended epidemic or infectious disease of men or animals, the cleanliness and disinfection of premises by the occupier thereof and residents therein and the segregation and management of the persons or animals diseased or supposed to be diseased, as may have been directed or approved by the State Government, with a view to prevent the disease or to check the spreading thereof ;

(*m*) directing the closing or disuse, wholly or for certain purposes, or limiting to certain purposes only the use of any source, supply or receptacle of water, and providing against pollution of the same or of the water therein ;

(*n*) licensing, controlling or, in order to prevent the obstruction, inconvenience, annoyance, risk, danger or damage of the residents or passengers in the vicinity, prohibiting the playing of music, the beating of drums, tom-toms or other instruments and the blowing or sounding of horns or other noisy instruments in or near streets or public places ;

[1] Clause (*da*) was inserted by Bom. 20 of 1953, s. 6 (*1*).

(*o*) regulating the conduct of and behaviour or action of persons constituting assemblies and processions on or along the streets and prescribing in the case of processions, the routes by which, the order in which and the times at which the same may pass ;

(*p*) prohibiting the hanging or placing of any cord or pole across a street or part thereof, or the making of a projection or structure so as to obstruct traffic or the free access of light and air ;

(*q*) prohibiting, except under such reasonable rules as he may make, the placing of building materials or other articles or the fastening or detention of any horse or other animals in any street or public place ;

(*r*) licensing, controlling or, in order to prevent obstruction, inconvenience, annoyance, risk, danger or damage of the residents or passengers in the vicinity, prohibiting—

(*i*) the illumination of streets and public places and the exteriors of building abutting thereon by persons other than servants of Government or Municipal officers duly authorized in that behalf,

(*ii*) the blasting of rock or making excavations in or near streets or public places,

(*iii*) the using of a loudspeaker in [1][or near any public place or in any] place of public entertainment ;

(*s*) closing certain streets or places temporarily, in cases of danger from ruinous buildings or other cause, with such exceptions as shall appear reasonable ;

(*t*) guarding against injury to person and property in the construction, repair and demolition of buildings, platforms and other structures from which danger may arise to passengers, neighbours or the public ;

(*u*) prohibiting the setting fire to or burning any straw or other matter, or lighting a bonfire or wantonly discharging a fire-arm or air-gun, or letting off or throwing a fire-work or, sending up a fire balloon or rocket in or upon or within fifty feet of a street or building or the putting up of any post or other thing on the side of or across a street for the purpose of affixing thereto lamps or other contrivances for illumination, except subject to such reasonable rules, as he may make in that behalf ;

(*v*) regulating the hours during which and the manner in which any place for the disposal of the dead, any dharmashala, village-gate or other place of public resort may be used, so as to secure the equal and appropriate application of its advantages and accommodation and to maintain orderly conduct amongst those who resort thereto ;

(*w*) (*i*) licensing or controlling places of public amusement or entertainment ;

(*ii*) prohibiting the keeping of places of public amusement or entertainment or assembly, in order to prevent obstruction, inconvenience, annoyance, risk, danger or damage to the residents or passengers in the vicinity ;

(*iii*) regulating the means of entrance and exit at places of public amusement or entertainment or assembly, and providing for the maintenance of public safety and the prevention of disturbance thereat ;

[2][(*wa*) (*i*) licensing or controlling, with such exceptions as may be specified, the musical, dancing, mimetic or theatrical or other performances for public amusement, including *melas* and *tamashas* ;

(*ii*) regulating, in the interest of public order, decency or morality or in the interest of the general public, the employment of artists and the conduct of the artists and the audience at such performances ;

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[1] These words were substituted for the words " any public place or " by Bom. 28 of 1954, s. 7.
[2] Clause (*wa*) was inserted by Bom. 20 of 1953, s. 6 (2).

(*iii*) prior scrutiny of such performances by a Board appointed by the State Government or by an Advisory Committee appointed by the Commissioner, or the District Magistrate in this behalf;

(*iv*) regulating the hours during which and the places at which such performances may be given ;]

(*x*) regulating or prohibiting the sale of any ticket or pass for admission, by whatever name called, to a place of public amusement ;

(*y*) prescribing the procedure in accordance with which any licence or permission sought to be obtained or required under this Act should be applied for, and fixing the fees to be charged for any such licence or permission :

Provided that nothing in this section and no licence granted under any rule made thereunder shall authorize any person to import, export, transport, manufacture, sell or possess any liquor or intoxicating drug, in respect of which a licence, permit, pass or authorisation is required under the Bombay Prohibition Act, 1949, or under any other law for the time being in force relating to the Abkari revenue or shall affect the liability of any person under any such law, or shall in any way affect the provisions of the Arms Act, 1878, or of the Explosives Act, 1884, or of any rules made under either of those enactments, or the liability of any person thereunder : Bom. XXV of 1949. XI of 1878. IV of 1884.

Provided further that any action taken under the rules or orders made under this sub-section or the grant of a licence made under such rules or orders shall be subject to the control and supervision of the State Government.

(*2*) (*i*) The power of making, altering or rescinding rules under clauses (*a*), (*b*) and (*c*) of sub-section (*1*) shall be subject to the control of the State Government.

(*ii*) the power of making, altering or rescinding rules under the remaining clauses of sub-section (*1*) shall be subject to the previous sanction of that Government.

(*3*) Every rule made under clause (*v*) of sub-section (*1*) with respect to the use of a place for the disposal of the dead shall be framed with due regard to ordinary and established usages and to the necessities of prompt disposal of the dead in individual cases.

(*4*) Every rule promulgated under the authority of clause (*l*) of sub-section (*1*) shall, if made in relation to any area outside Greater Bombay, be forthwith reported to the State Government or such authority as the State Government may appoint in this behalf.

(*5*) If any rule or order made or promulgated under this section relates to any matter with respect to which there is a provision in any law, rule or by-law of any municipal or local authority in relation to the public health, convenience or safety of the locality, such rule or order shall be subject to such law, rule or by-law of the municipal or local authority, as the case may be.

(*6*) The power of making, altering or rescinding rules under this section shall be subject to the condition of the rules being made, altered or rescinded after previous publication, and every rule made or alteration or rescission of a rule made under this section shall be published in the *Official Gazette* and in the locality affected thereby by affixing copies thereof in conspicuous places near to the

building, structure, work or place, as the case may be, to which the same specially relates or by proclaiming the same by the beating of drum or by advertising the same in such local newspapers in English or in the local language, as the authority making, altering or rescinding the rule may deem fit or by any two or more of these means or by any other means it may think suitable :

Provided that any such rules may be made, altered or rescinded without previous publication if the Commissioner or the District Magistrate, as the case may be, is satisfied that circumstances exist which renders it necessary that such rules or alterations therein or rescission thereof should be brought into force at once.

(*7*) Notwithstanding anything hereinbefore contained in this section or which may be contained in any rule made thereunder, it shall always be lawful for the competent authority to refuse a licence for, or to prohibit the keeping of any place of public amusement or entertainment by a person of notoriously bad character.

(*8*) It shall be the duty of all persons concerned to conform to any order duly made as aforesaid so long as the same shall be in operation.

Competent authority may authorise erection of barriers on streets.

34. The Commissioner and the District Superintendent in areas under their respective charges may, wherever in his opinion such action is necessary, authorise such Police officer as he thinks fit to erect barriers on any street for the purpose of stopping temporarily vehicles driven on such street and satisfy himself that the provisions of any law for the time being in force have not been contravened in respect of any such vehicle or by the driver of or the person in charge of such vehicle. The said authority may also make such orders as it deems fit for regulating the use of such barriers.

Power to make rules prohibiting disposal of the dead except at places set apart.

35. (*1*) A competent authority may, from time to time, make rules prohibiting the disposal of the dead, whether by cremation, burial or otherwise at places other than those set apart for such purpose :

Provided that no such rules shall be made in respect of any such town or place in which places have not been so set apart :

Provided further that the competent authority or any officer authorised by it in this behalf may, in its or his discretion on an application made to it or him by any person, grant to such person permission to dispose of the corpse of any deceased person at any place other than a place so set apart, if in its or his opinion such disposal is not likely to cause obstruction to traffic or disturbance of the public peace or is not objectionable for any other reason.

(*2*) Any rules made under sub-section (*1*) shall specify the places set apart for the disposal of the dead of different communities or sections of communities.

(*3*) All such rules shall be subject to the condition of previous publication and the date to be specified under clause (*c*) of section 24 of the Bombay General Clauses Act, 1904, shall not be earlier than two months from the date on which the draft of the proposed rules is published.

Bom. I of 1904.

Explanation.—For the purposes of this section, a place set apart for the disposal of the dead means a place set apart for such purpose under any custom, usage or law for the time being in force.

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Power of Commissioner or the District Superintendent and of other officers to give direction to the public.

36. In areas under their respective charges the Commissioner, and subject to his orders every Police officer not inferior in rank to an Inspector, and the District Superintendent and subject to his orders any Police officer of not lower than such rank as may be specified by the State Government in that behalf, may, from time to time as occasion may arise, but not so as to contravene any rule or order under section 33 give all such orders either orally or in writing as may be necessary to—

(*a*) direct the conduct of, and behaviour or action of persons constituting processions or assemblies on or along the streets;

(*b*) prescribe the routes by which and the times at which any such processions may or may not pass;

(*c*) prevent obstructions on the occasion of all processions and assemblies and in the neighbourhood of all places of worship during the time of worship, and in all cases when any street or public place or place of public resort may be thronged or liable to be obstructed;

(*d*) keep order on and in all streets, quays, wharves, and at and within public bathing, washing and landing places, fairs, temples and all other places of public resort ;

(*e*) regulate and control the playing of music or singing, or the beating of drums, tom-toms and other instruments and the blowing or sounding of horns or other noisy instruments, in or near any street or public place ;

[1][(*ea*) regulate and control the use of loudspeakers in or near any public place or in any place of public entertainment ;]

(*f*) make reasonable orders subordinate to and in furtherance of any order made by a competent authority under sections 33, 35, 37 to 40, 42, 43 and 45 of this Act.

Power to prohibit certain acts for prevention of disorder.

37. (*1*) The Commissioner and the District Magistrate in areas under their respective charges may, whenever and for such time as he shall consider necessary for the preservation of public peace or public safety by a notification publicly promulgated or addressed to individuals, prohibit at any town, village or place or in the vicinity of any such town, village or place—

(*a*) the carrying of arms, cudgels, swords, spears, bludgeons, guns, knives, sticks or lathis, or any other article, which is capable of being used for causing physical violence,

(*b*) the carrying of any corrosive substance or of explosives,

(*c*) the carrying, collection and preparation of stones or other missiles or instruments or means of a casting or impelling missiles,

(*d*) the exhibition of persons or corpses or figures or effigies thereof,

(*e*) the public utterance of cries, singing of songs, playing of music,

(*f*) delivery of harangues, the use of gestures or mimetic representations, and the preparation, exhibition or dissemination of pictures, symbols, placards or any other object or thing which may in the opinion of such authority offend against decency or morality or undermine the security of or tend to over-throw the State.

(*2*) If any person goes armed with any such article or carries any corrosive substance or explosive or missile in contravention of such prohibition, he shall be liable to be disarmed or the corrosive substance or explosive or missile shall be liable to be seized from him by any Police officer, and the article, corrosive substance, explosive or missile so seized shall be forfeited to the State Government.

(*3*) The authority empowered under sub-section (*1*) may also by order in writing prohibit any assembly or procession whenever and for so long as it considers such prohibition to be necessary for the preservation of the public order :

Provided that no such prohibition shall remain in force for more than fifteen days without the sanction of the State Government.

(*4*) The authority empowered under sub-section (*1*) may also by public notice temporarily reserve for any public purpose any street or public place and prohibit persons from entering the area so reserved, except under such conditions as may be prescribed by such authority.

Power to prohibit, etc., continuance of music, sound or noise.

38. (*1*) If the Commissioner or District Superintendent is satisfied from the report of an officer in charge of a Police Station or other information received by him that it is necessary to do so in order to prevent annoyance, disturbance, discomfort or injury or risk of annoyance, disturbance, discomfort or injury to the public or to any persons who dwell or occupy property in the vicinity, he may, by a written

[1] Clause (*ea*) was inserted by Bom. 28 of 1954, s. 8.

order issue such directions as he may consider necessary to any person for preventing, prohibiting, controlling or regulating—

(*a*) the incidence or continuance in or upon any premises of—

(*i*) any vocal or instrumental music,

(*ii*) sounds caused by the playing, beating, clashing, blowing or use in any manner whatsoever of any instrument, appliance or apparatus or contrivance which is capable of [1][producing or reproducing sound], or

(*b*) the carrying on, in or upon, any premises of any trade, avocation or operation resulting in or attended with noise.

(*2*) The authority empowered under sub-section (*1*) may, either on its own motion or on the application of any person aggrieved by an order made under sub-section (*1*), either rescind, modify or alter any such order :

Provided that before any such application is disposed of, the said authority shall afford to the applicant an opportunity of appearing before it either in person or by pleader and showing cause against the order and shall, if it rejects any such application either wholly or in part, record its reasons for such rejection.

Issue of orders for prevention of riot, etc.

39. (*1*) In order to prevent or suppress any riot or grave disturbance of peace, the Commissioner and the District Superintendent, in areas under their respective charges, may temporarily close or take possession of any building or place, and may exclude all or any persons therefrom, or may allow access hereto to such persons only and on such terms as he shall deem expedient. All persons concerned shall be bound to conduct themselves in accordance with such orders as the authority making orders may make and notify in exercise of the authority hereby vested in it.

Compensation to lawful occupier of building or place closed or taken possession of.

(*2*) If the lawful occupier of such building or place suffers substantial loss or injury by reason of the action taken under sub-section (*1*), he shall be entitled, on application made to the authority concerned within one month from the date of such action, to receive reasonable compensation for such loss or injury, unless such action was in the opinion of such authority rendered necessary either by the use to which such building or place was put or intended to be put or by the misconduct of persons having access thereto.

Disputes as to compensation to be settled.

(*3*) In the event of any dispute in any case under sub-section (*2*) the decision of the Chief Presidency Magistrate or the District Magistrate, as the case may be, shall be conclusive as to the amount (if any) to be paid, and as to the person to whom it is to be paid.

Issue of orders for maintenance of order at religious ceremonials, etc.

40. (*1*) In any case of an actual or intended religious or ceremonial or corporate display or exhibition or organised assemblage in any street or public place, as to which or the conduct of or participation in which it shall appear to a competent authority that a dispute or contention exists which is likely to lead to grave disturbance of the peace, such authority may give such orders as to the conduct of the persons concerned towards each other and towards the public as it shall deem necessary and reasonable under the circumstances, regard being had to the apparent legal rights and to any established practice of the parties and of the persons interested. Every such order shall be published in the town or place wherein it is to operate, and all persons concerned shall be bound to conform to the same.

(*2*) Any order under sub-section (*1*) shall be subject to a decree, injunction or order made by a Court having jurisdiction, and shall be recalled or altered on its being made to appear to the authority making the order that such order is

[1] These words were substituted for the original words " producing sound " by Bom. 28 of 1954, s. 9.

inconsistent with a judgment, decree, injunction or order of such Court, on the complaint, suit or an application of any person interested, as to the rights and duties of any persons affected by the order aforesaid.

Police to provide against disorder, etc., at places of amusement and public meetings

41 (*1*) For the purpose of preventing serious disorder or breach of the law or manifest and imminent danger to the persons assembled at any public place of amusement or at an assembly or meeting to which the public are invited or which is open to the public, the senior Police officer of highest rank superior to that of constable, present at such place of amusement or such assembly or meeting may, subject to such rules and orders as may have been lawfully made, give such reasonable direct ons as to the mode of admission of the public to, and for securing the peaceful and lawful conduct of the proceedings and the maintenance of the public safety at such place of amusement or such assembly or meeting, as he thinks necessary and all persons shall be bound to conform to every such reasonable direction.

Police to have free access thereto.

(*2*) The Police shall have free access to every such place of amusement, assembly or meeting, for the purpose of giving effect to the provisions of sub-section (*1*) and to any direction made thereunder.

Discontinuance of brothels.

42. On complaint being made to the District Magistrate or a Sub-Divisional Magistrate that any house in a town or village in his district or sub-division to which the State Government has by notification extended this section is used as a common brothel or lodging house or place of resort for prostitutes or disorderly persons of any description, to the annoyance of the respectable inhabitants of the vicinity, the said Magistrate may summon the owner or tenant of the house to answer the complaint, and on being satisfied that the house is so used may order the owner or tenant, within a reasonable period, which shall be set forth in the order, to discontinue such use of it.

District Magistrate may take special measures to prevent outbreak of epidemic disease at fair, etc.

43. (*1*) Whenever it shall appear to the Commissioner or District Magistrate that any place in the areas under their respective charges, at which, on account of a pilgrimage, fair or other such occurrence, large bodies of persons have assembled or are likely to assemble is visited or will probably be visited with an outbreak of any epidemic disease, he may take such special measures and may by public notice prescribe such regulations to be observed by the residents of the said place and by persons present thereat or repairing thereto or returning therefrom as he shall deem necessary to prevent the outbreak of such disease or the spread thereof.

(*2*) It shall be lawful for the District Magistrate or for the Collector or the Chief Presidency Magistrate on the requisition of the Commissioner or the District Magistrate to assess and levy such reasonable fees on persons falling under the provisions of sub-section (*1*) as will provide for the expenses of the arrangements for sanitation and the preservation of order at and about the place of assemblage.

(*3*) When the place of assemblage is within the limits of a municipality or corporation such sums as shall be necessary for the purposes aforesaid may be recovered from the municipality or corporation.

Destruction of stray dogs.

44. (*1*) The Commissioner and the District Superintendent in areas under their respective charges may from time to time, by public notice, proclaim that any stray dogs found, during such period as may be specified in the said notice,

wandering in the streets or in any public place may be destroyed, and any dog so found within such period may be destroyed accordingly.

(*2*) The authority empowered under sub-section (*1*) may by public notice require that every dog, while in any street or public place and not led by some person, shall be muzzled in such a manner as effectually to prevent it from biting, while not obstructing its breathing or drinking, and the Police may, so long as such notice remains in force, destroy, or take possession of and detain, any dog found loose without muzzle in any street or place beyond the premises of the owner thereof:

Provided that any dog so found, wearing a collar on which an apparently genuine name and address of an owner is inscribed, shall not, unless it is rabid, be forthwith destroyed, but information of the detention thereof shall forthwith be sent by post or otherwise to such owner.

(*3*) Any dog which has been detained under sub-section (*2*) for a period of three clear days without the owner providing a muzzle and paying all expenses connected with such detention, may be destroyed or sold with the sanction and under the orders of the competent authority.

(*4*) The proceeds of the sale of any dog under sub-section (*3*) shall be applied, as far as may be, in discharge of the expenses incurred in connection with its detention, and the balance, if any, shall form part of the consolidated fund of the State.

(*5*) Any expenses incurred in connection with the destruction or detention of any dog under this section shall, subject to the provisions of sub-section (*4*), be recoverable from the owner thereof upon a warrant issued by the competent authority as if it were a warrant under section 386 of the Code of Criminal Procedure, 1898. V of 1898.

Destruction of suffering or unfit animals.

45. (*1*) Any Police officer who in any street or public place other than a place of worship finds any animal other than a bull or a cow so diseased, or so severely injured, and in such a physical condition, that in his opinion it cannot without cruelty be removed, shall, if the owner is absent or refuses to consent to the destruction of the animal, at once summon the Veterinary Practitioner in charge of the area in which the animal is found and, if the Veterinary Practitioner certifies that the animal is mortally injured, or so severely injured, or so diseased, or in such a physical condition, that it is cruel to keep it alive, the Police officer may, without the consent of the owner, destroy the animal or cause it to be destroyed:

Provided that if in the opinion of the Veterinary Practitioner the animal can be removed from the place where it is found without causing it great suffering, and, if the owner or person in charge of the animal or in their absence any other person on the spot is willing and offers to remove the animal to a Veterinary Hospital or Panjrapol within such time as the Veterinary Practitioner considers reasonable, the Veterinary Practitioner shall allow the animal to be removed by such owner, person in charge of the animal or other person. If the owner or person in charge of the animal or such other person is unwilling or fails so to remove the animal, the Veterinary Practitioner may direct the Police officer to remove the animal before it is destroyed from the place where it is found to such other place as he may think fit:

Provided further that when the animal is destroyed in any street or public place it shall, as far as possible, be screened from the public gaze while it is being destroyed.

(*2*) The State Government may appoint such persons as it thinks fit to be Veterinary Practitioners and may declare the areas of which they shall be in charge for the purposes of this Act.

46. Every power conferred by this Chapter on a District Superintendent not specially empowered by the State Government to exercise that power or on any officer subordinate to him shall be exercised by him subject to the orders of the District Magistrate and all rules, regulations and orders made under this Chapter shall, if made by the Commissioner, be governed by such rules and orders as the State Government may from time to time make in this behalf and, if made by the District Magistrate or the District Superintendent specially empowered in that behalf, shall be subject to the provisions of section 17.

Powers under this Chapter to be exercised by District Superintendent subject to the control of District Magistrate and Commissioner and by District Magistrates subject to the control of State Government

CHAPTER V.

Special measures for maintenance of public order and safety of State.

I. Employment of additional Police, recovery of cost thereof and of riot compensation—its assessment and recovery.

47. (*1*) The Commissioner or District Superintendent may, on the application of any person, depute any additional number of Police to keep the peace, to preserve order or to enforce any of the provisions of this or any other Act in respect of any particular class or classes of offences or to perform any other Police duties at any place in the area under his charge.

Employment of additional Police on application of a person.

(*2*) Such additional Police shall be employed at the cost of the person making the application, but shall be subject to the orders of the Police authorities and shall be employed for such period as the appointing authority thinks fit.

(*3*) If the person upon whose application such additional Police are employed shall at any time make a written requisition to the appointing authority to which the application for the employment of additional Police was made, for the withdrawal of the said Police, he shall be relieved from the cost thereof at the expiration of such period not exceeding one month from the date of the delivery of such requisition, as the State Government or the appointing authority, as the case may be, shall determine.

48. (*1*) Whenever it appears to the State Government or a competent authority that—

Employment of additional police at large works and when apprehension regarding behaviour of employees exists.

(*a*) any large work which is being carried on or any public amusement which is being conducted is likely to impede the traffic or to attract a large number of people, or

(*b*) that the behaviour or a reasonable apprehension of the behaviour, of the persons employed on any railway, canal or other public work, or in or upon any manufactory or other commercial concern under construction or in operation at any place necessitates the employment of additional Police at such place, the State Government or the competent authority may depute such additional Police to the said place as it shall think fit and keep the said Police employ at such place for so long as such necessity shall appear to it to continue.

(2) Such additional Police shall be employed at the cost of the person by whom the work, amusement, manufactory or concern is being constructed, conducted or carried on and the said person shall pay the costs therefor at such rates as the State Government or the competent authority, as the case may be, shall from time to time require.

Recovery of cost of additional Police employed under sections 47 and 48.

49. In case of any dispute under section 47 or 48 the decision of the Chief Presidency Magistrate, in Greater Bombay, and the District Magistrate, in the district, shall be conclusive as to the amount to be paid and as to the person by whom it is to be paid and the sum so ascertained may, on the requisition of the Chief Presidency Magistrate or the District Magistrate, be recovered by the Collector as if it were an arrear of land revenue due by the person found to be answerable therefor.

Employment of additional Police in cases of special danger to public peace.

50 (1) If in the opinion of the State Government any area is in a disturbed or dangerous condition or in which the conduct of the inhabitants or of any particular section of the inhabitants renders it expedient temporarily to employ additional Police, it may by notification in the *Official Gazette* specify—

(a) the area (hereinafter called " the disturbance area ") in which the additional Police is to be employed,

(b) the period for which the additional Police is to be employed :

Provided that the period fixed under clause (b) may be extended by the State Government from time to time, if in its opinion it is necessary to do so in the general interest of the public. The cost of the additional Police shall be a tax imposed under this section and shall be recovered in the manner prescribed in the succeeding sub-sections.

(2) The decision of the State Government under clauses (a) and (b) of sub-section (1) shall be final.

(3) On the issue of such notification, the State Government may require,—

(a) in any disturbance area which is within the limits of a Corporation, the Municipal Commissioner, the Collector or any other authority,

(b) in any disturbance area which is within the limits of a municipality, the municipality, the Collector or any other authority,

(c) in any disturbance area which is outside the areas specified in clauses (a) and (b), the Collector or any other authority,

to recover, whether in whole or in part, the cost of such additional Police generally from all persons who are inhabitants of the disturbance area or specially from any particular section or sections, or class or classes of such persons, and in such proportion as the State Government may direct :

Provided that where the Municipal Commissioner or the Municipality is directed to recover such cost, an additional sum not exceeding 3 per cent. of the amount of such cost shall also be recoverable.

(4) (i) The State Government may require the Municipal Commissioner or the Municipality to recover such cost and the additional sum by an addition to the general or property tax which shall be imposed and levied in all or such of the municipal wards, sub-wards or sections thereof, as the State Government may direct. Every addition to the general or property tax imposed under this sub-section shall be recovered by the Municipal Commissioner or the Municipality from each person liable therefor in the same manner as the general or property tax due from him. The provisions of the relevant Municipal Act shall apply to any such addition as if

it were part of the general or property tax levied under the said Act. Such addition shall be a charge along with the general or property tax, on the properties, in such municipal wards or sub-wards or sections.

(*ii*) The State Government may also require the Municipal Commissioner or the Municipality to recover such cost and the additional sum from each person liable therefor under sub-section (*3*) in such manner as the State Government may direct.

(*iii*) Where the Municipal Commissioner or a Municipality makes default in imposing and levying any such tax or in making such recovery, the State Government may direct the Collector to impose and levy such tax or to make such recovery.

(*5*) Every amount recoverable by the Collector or other authority under this section shall be recoverable as if it were an arrear of land revenue due by the person liable therefor.

(*6*) It shall be lawful for the State Government by order to exempt any person from liability to bear any portion of the cost of such additional Police.

(*7*) Out of the total amount recovered by the Municipal Commissioner or by a Municipality under sub-section (*4*) or (*5*) whether before or after the coming into operation of this Act the amount of the cost shall be paid to the State Government and the balance, if any, shall be credited to the municipal fund constituted under the relevant Municipal Act. Such amount of cost shall be paid to the State Government every three months.

Explanation.—In this section the expression "inhabitants" when used with reference to any area includes persons who themselves or by their agents or servants occupy or hold land or other immovable property within such area and landlords who themselves or by their agents or servants collect rent from holders or occupiers of land in such area notwithstanding that they do not actually reside therein.

Compensation for injury caused by unlawful assembly, how recoverable. Date to be fixed for liability.

51. (*1*) When any loss or damage is caused to any property or when death results or grievous hurt is caused to any person or persons, by anything done in the prosecution of the common object of an unlawful assembly, the State Government may, by notification in the *Official Gazette*, specify—

(*a*) the area, (hereinafter called "the disturbance area"), in which in its opinion such unlawful assembly was held;

(*b*) the date on which or the period during which such unlawful assembly was held.

(*2*) The decision of the State Government under clauses (*a*) and (*b*) of sub-section (*1*) shall be final.

(*3*) On the issue of a notification under sub-section (*1*), the Chief Presidency Magistrate, in Greater Bombay, and the District Magistrate, in Districts, may, after such inquiry as he deems necessary, determine the amount of the compensation which, in his opinion, should be paid to any person or persons in respect of the loss or damage or death or grievous hurt aforesaid. The amount of compensation shall be a tax imposed under this section and shall be recovered in the manner prescribed in the succeeding sub-sections.

(*4*) The Chief Presidency Magistrate or the District Magistrate, as the case may be, may require—

(*a*) in any disturbance area which is within the limits of a Corporation, the Municipal Commissioner, the Collector or any other authority;

(*b*) in any disturbance area which is within the limits of a municipality, the municipality, the Collector or any other authority, and

(*c*) in any disturbance area which is outside the area specified in clauses (*a*) and (*b*), the Collector or any other authority

to recover the amount (hereinafter called "the compensation amount") as determined under sub-section (*3*) either in whole or in part and where the Municipal Commissioner or the Municipality is required to recover such amount, an additional sum not exceeding three per cent. of the compensation amount (hereinafter referred to as "the Municipal recovery cost"), generally from all persons who were inhabitants of the disturbance area or specially from any particular section or sections, or class or classes of such persons in the said area, and in such proportion as the Chief Presidency Magistrate or the District Magistrate may direct.

(*5*) (*i*) The Chief Presidency Magistrate or the District Magistrate, as the case may be, may require the Municipal Commissioner or the Municipality concerned to recover the compensation amount and the municipal recovery cost by an addition to the general or property tax which shall be imposed and levied in the disturbance area. Every addition to the general or property tax imposed under this sub-section shall be recovered by the Municipal Commissioner or the Municipality concerned from each person liable therefor in the same manner as the general or property tax due from him. The provisions of the relevant Municipal Act shall apply to any such addition as if it were part of the general or property tax levied under the relevant Municipal Act. Such addition shall be a charge along with the general or property tax on the properties in the area aforesaid.

(*ii*) The Chief Presidency Magistrate or the District Magistrate, as the case may be, may also require the Municipal Commissioner or the Municipality concerned to recover the compensation amount and the municipal recovery cost from each person liable therefor under sub-section (*4*) in such manner as he may direct.

(*6*) Where a Municipal Commissioner or a Municipality makes a default in imposing and levying any such tax or in making any such recovery, the State Government may direct the Collector to impose and levy such tax or to make such recovery.

(*7*) Every amount recoverable by the Collector or other authority under this section shall be recoverable as if it were an arrear of land revenue due by the person liable therefor.

(*8*) Out of the total amount recovered by the Municipal Commissioner or by a Municipality under sub-section (*5*) or (*7*), whether before or after the coming into operation of this Act, the proportionate amount of the municipal recovery cost shall be deducted therefrom and the amount not exceeding the compensation amount determined by the Chief Presidency Magistrate or the District Magistrate, as the case may be, under sub-section (*3*) shall be paid to him for the payment of compensation to the persons entitled thereto and the balance, if any, shall be credited to the municipal fund constituted under the relevant Municipal Act. Such amount shall be paid to the Chief Presidency Magistrate or the District Magistrate, as the case may be, every three months.

(*9*) It shall be lawful for the Chief Presidency Magistrate or the District Magistrate, as the case may be, by order, to exempt any persons from liability to pay any portion of the compensation amount.

(*10*) The State Government may, (*a*) on its own motion, or (*b*) on an application made by a person within a period of thirty days from the date of the order of the Chief Presidency Magistrate or a District Magistrate, as the case may be, granting or refusing to grant an exemption thereunder, set aside or modify such order.

Explanation.—In this section the expression "inhabitants" when used with reference to any disturbance area includes persons who themselves or by their agents or servants occupy or hold land or other immoveable property within such area and landlords who themselves or by their agents or servants collect rent from holders or occupiers of land in such area, notwithstanding that they do not actually reside therein.

Chief Presidency Magistrate or District Magistrate to award or apportion compensation.

52. (*1*) It shall be lawful for the Chief Presidency Magistrate or the District Magistrate, as the case may be, to award or apportion all or any moneys recovered as compensation amount under sub-sections (*3*) to (*8*) of section 51 to any person or among all or any persons whom he considers entitled to compensation in respect of the loss or damage or death or grievous hurt aforesaid.

(*2*) No compensation shall be awarded under this section except upon a claim made within 45 days from the date of the notification issued by the State Government under sub-section (*1*) of section 51 and unless the Chief Presidency Magistrate or the District Magistrate, as the case may be, is satisfied that the person claiming compensation or where such claim is made in respect of the death of any person, that that person also has himself been free, from blame in connection with the occurrences which led to the loss, damage, death or grievous hurt as aforesaid.

(*3*) The compensation payable to any person under section 51 in respect of death or grievous hurt shall not in any way be capable of being assigned or charged or be liable to attachment or to pass to any person other than the person entitled to it by operation of law, nor shall any claim be set off against the same.

(*4*) Every direction and order made by the Chief Presidency Magistrate or the District Magistrate, as the case may be, under this or the preceding section shall be subject to revision by the State Government, but save as aforesaid, shall be final.

(*5*) No civil suit shall be maintainable in respect of any loss or injury for which compensation has been granted under this section.

Chief Presidency Magistrate or District Magistrate to discharge functions under orders of State Government.

53. The Chief Presidency Magistrate or the District Magistrate, as the case may be, shall discharge his functions under sections 51 and 52 subject to any general or special orders of the State Government in this behalf.

Proportionate recovery of the cost of additional Police and compensation for loss caused by unlawful assembly.

54. (*1*) Notwithstanding anything contained in the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947, where under the provisions of section 50 or 51, the Municipal Commissioner, the Municipality or the Collector, as the case may be, is required to recover the cost of the additional police including the additional sum referred to in sub-section (*3*) of section 50 (hereinafter called "the additional cost") or the compensation amount and the municipal recovery cost (hereinafter called "the riot tax") by an addition to the general or property tax, the landlord from whom any portion of the additional cost or the riot tax is recovered, in respect of any premises shall be entitled to recover 75 per cent. of such portion from the tenant in the occupation of the premises during the period fixed under sub-section(*1*) of section 50 or on the date or during the greater part of the period specified under clause (*b*) of sub-section (*1*) of section 51, as the case may be, in the manner specified in sub-section (*2*).

Bom. LVII of 1947.

(*2*) The amount referred to in sub-section (*1*) and to be recovered from a tenant referred to therein shall bear the same proportion as the rent payable by him in respect of the premises in his occupation bears to the total amount of rent recoverable for the whole premises if let, and the same shall be recoverable from the tenant in not less than four equal instalments.

(*3*) The provisions of sub-section (*1*) in so far as they relate to the recovery of the riot tax from the tenants shall not apply to Greater Bombay during the period during which section 10B of the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947, is in force in the said area. Bom. LVII of 1947.

II. Dispersal of Gangs and Removal of Persons convicted of certain offences.

Dispersal of gangs and bodies of persons.

55. Whenever it shall appear in Greater Bombay and in other areas in which a Commissioner is appointed under section 7 to the Commissioner and in a district to the District Magistrate, the Sub-Divisional Magistrate or the District Superintendent specially empowered by the State Government in that behalf, that the movement or encampment of any gang or body of persons in the area in his charge is causing or is calculated to cause danger or alarm or reasonable suspicion that unlawful designs are entertained by such gang or body or by members thereof, such officer may, by notification addressed to the persons appearing to be the leaders or chief men of such gang or body and published by beat of drum or otherwise as such officer thinks fit, direct the members of such gang or body so to conduct themselves as shall seem necessary in order to prevent violence and alarm, or disperse and each of them to remove himself outside the area within the local limits of his jurisdiction [1][for such area and any district or districts, or any part thereof, contiguous thereto] within such time as such officer shall prescribe, and not to enter the area [2][or the area and such contiguous districts, or part thereof, as the case may be,] or return to the place from which each of them was directed to remove himself.

Removal of persons about to commit offence.

56. Whenever it shall appear in Greater Bombay and other areas for which a Commissioner has been appointed under section 7 to the Commissioner and in other area or areas to which the State Government may, by notification in the *Official Gazette*, extend the provisions of this section, to the District Magistrate, or the Sub-Divisional Magistrate specially empowered by the State Government in that behalf (*a*) that the movements or acts of any person are causing or calculated to cause alarm, danger or harm to person or property, or (*b*) that there are reasonable grounds for believing that such person is engaged or is about to be engaged in the commission of an offence involving force or violence or an offence punishable under Chapter XII, XVI or XVII of the Indian Penal Code, or in the abetment of any such offence, XLV of 1860. and when in the opinion of such officer witnesses are not willing to come forward to give evidence in public against such person by reason of apprehension on their part as regards the safety of their person or property, or (*c*) that an outbreak of epidemic disease is likely to result from the continued residence of an immigrant, the said officer may, by an order in writing duly served on him or by beat of drum or otherwise as he thinks fit, direct such person or immigrant so to conduct himself as shall seem necessary in order to prevent violence and alarm or the outbreak or spread of such disease or to remove himself outside the area within the local limits of his jurisdiction [3][or such area and any district or districts, or any part thereof, contiguous thereto] by such route and within such time as the said officer may prescribe and not to enter or return to the said area [4][or the area and such contiguous districts, or part thereof, as the case may be,] from which he was directed to remove himself.

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[1] These words were inserted by Bom. 1 of 1956, s. 3(*1*).
[2] These words were inserted *ibid.*, s. 3(*2*).
[3] These words were inserted *ibid.*, s. 4(*1*).
[4] These words were inserted *ibid.*, s. 4(*2*).

Removal of persons convicted of certain offences.

57. If a person has been convicted—

XLV of 1860. (*a*) of an offence under Chapter XII, XVI or XVII of the Indian Penal Code, or

Bom. XXIII of 1945. (*b*) twice of an offence under section 9 [1]* * of the Bombay Beggars Act, 1945, or under the Bombay Prevention of Prostitution Act, 1923, or

Bom. XI of 1923. Bom. IV of 1887. Bom. XXV of 1949. (*c*) thrice of an offence within a period of three years under section 4 or 12A of the Bombay Prevention of Gambling Act, 1887, or under the Bombay Prohibition Act, 1949,

the Commissioner, the District Magistrate or the Sub-Divisional Magistrate specially empowered by the State Government in this behalf, if he has reason to believe that such person is likely again to engage himself in the commission of an offence similar to that for which he was convicted, may direct such person to remove himself outside the area within the local limits of his jurisdiction [2][or such area and any district or districts, or any part thereof, contiguous thereto] by such route and within such time as the said officer may prescribe and not to enter or return to the area [3][or the area and such contiguous districts or part thereof, as the case may be,] from which he was directed to remove himself.

Explanation.—For the purpose of this section "an offence similar to that for which a person was convicted" shall mean—

(*i*) in the case of a person convicted of an offence mentioned in clause (*a*), an offence falling under any of the Chapters of the Indian Penal Code mentioned in that clause, and

(*ii*) in the case of a person convicted of an offence mentioned in clauses (*b*) and (*c*), an offence falling under the provisions of the Acts mentioned respectively in the said clauses.

Period of operation of orders under sections 55, 56 and 57.

58. A direction made under section 55, 56 or 57 not to enter any particular area [4][or such area and any district or districts, or any part thereof, contiguous thereto, as the case may be,] shall be for such period as may be specified therein and shall in no case exceed a period of two years from the date on which it was made.

Hearing to be given before order under section 55, 56 or 57 is passed.

59. (*1*) Before an order under section 55, 56 or 57 is passed against any person the officer acting under any of the said sections or any officer above the rank of an Inspector authorised by that officer shall inform the person in writing of the general nature of the material allegations against him and give him a reasonable opportunity of tendering an explanation regarding them. If such person makes an application for the examination of any witness produced by him, the authority or officer concerned shall grant such application; and examine such witness, unless for reasons to be recorded in writing, the authority or officer is of opinion that such application is made for the purpose of vexation or delay. Any written statement put in by such person shall be filed with the record of the case. Such person shall be entitled to appear before the officer proceeding under this section by an advocate or attorney for the purpose of tendering his explanation and examining the witnesses produced by him.

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[1] The word and figures "or 23" were deleted by Bom. 21 of 1952, s. 8.
[2] These words were inserted by Bom. 1 of 1956, s. 5(*1*).
[3] These words were inserted *ibid.*, s. 5 (*2*).
[4] These words were inserted, *ibid.*, s. 6.

(*2*) The authority or officer proceeding under sub-section (*1*) may, for the purpose of securing the attendance of any person against whom any order is proposed to be made under section 55, 56 or 57, require such person to appear before him and to pass a security bond with or without sureties for such attendance during the inquiry. If the person fails to pass the security bond as required or fails to appear before the officer or authority during the inquiry, it shall be lawful to the officer or authority to proceed with the inquiry and thereupon such order as was proposed to be passed against him may be passed.

Appeal.

60. Any person aggrieved by an order made under section 55, 56 or 57 may appeal to the State Government within thirty days from the date of such order.

Finality of order passed by State Government in certain cases.

61. Any order passed under section 55, 56 or 57 or by the State Government under section 60 shall not be called in question in any Court except on the ground that the authority making the order or any officer authorised by it had not followed the procedure laid down in sub-section (*1*) of section 59 or that there was no material before the authority concerned upon which it could have based its order or on the ground that the said authority was not of opinion that witnesses were unwilling to come forward to give evidence in public against the person in respect of whom an order was made under section 56.

Procedure on failure of person to leave the area and his entry therein after removal.

62. If a person to whom a direction has been issued under section 55, 56 or 57 to remove himself from an area—

(*i*) fails to remove himself as directed,

or

(*ii*) having so removed himself, except with the permission in writing of the authority making the order, enters the area within the period specified in the order,

the authority concerned may cause him to be arrested and removed in police custody to such place outside the area as the said authority may in each case prescribe.

Temporary permission to enter or return to the area from which a person was directed to remove himself.

63. (*1*) The State Government may, by order, permit any person in respect of whom an order has been made under section 55, 56 or 57, to enter or return for a temporary period to [1][the area, or such area and any contiguous districts or part thereof, as the case may be from which he was directed to remove himself, subject to such conditions as it may by general or special order specify and which such person accepts and may, at any time, revoke any such permission.

(*2*) In permitting a person under sub-section (*1*) to enter or return to [1][the area or such area and any contiguous districts or part thereof, as the case may be] from which he was directed to remove himself, the State Government may require him to enter into bond with or without surety for the observance of the conditions imposed.

(*3*) Any person permitted under sub-section (*1*) to enter or return to [1][the area, or such area and any contiguous districts or part thereof, as the case may be] from which he was directed to remove himself shall surrender himself at the time and place and to the authority specified in the order or in the order revoking the said order, as the case may be.

[1] These words were inserted by Bom. 1 of 1956, s. 7.

[1][63AA. (*1*) The State Government or any officer specially empowered by the State Government in that behalf, may, in like circumstances and in like manner, exercise the powers exercisable, in Greater Bombay by the Commissioner, and in a district by the District Magistrate, Sub-Divisional Magistrate or District Superintendent of Police specially empowered by the State Government in that behalf, as the case may be, under sections 55, 56 and 57, with this modification that it shall be lawful for the State Government or the officer specially empowered to direct the members of such gang or body, or persons or immigrants, or persons convicted, as the case may be, to remove themselves from, and not to enter or return to, any local area, or any such area and any districts or part thereof, whether contiguous thereto or not. Powers of externment of State Government and officers specially empowered.

(*2*) The provisions of sections 58, 59, 60, 61, 62 and 63 shall *mutatis mutandis* apply to the exercise of any powers under this section, as they apply to the exercise of any powers under section 55, 56 or 57.]

[2][*III. Control of camps, etc., and uniforms.*

63A. (*1*) If the State Government is satisfied that it is necessary in the interest of the maintenance of public order so to do, it may by general or special order prohibit or restrict throughout the State of Bombay or any part thereof all meetings and assemblies of persons for the purpose of training or drilling themselves or being trained or drilled to the use of arms, or for the purpose of practising military exercises, movements or evolutions, or for the purpose aforesaid of attending or holding or taking any part in any camp, parade or procession. Control of camps, parades, etc. and banning use of uniform etc.,

(*2*) If the State Government is satisfied that the wearing in public by any member of the body or association or organisation to be specified in the order to be issued hereunder of any dress or article of apparel resembling any uniform or part of uniform required to be worn by a member of the Armed Forces of the Union or by a member of the Police Force or of any force constituted under any law for the time being in force, would be likely to prejudice the security of the State or the maintenance of public order, the State Government may, by general or special order, prohibit or restrict the wearing, or display in public, of any such dress or article of apparel by any member of such body or association or organisation.

(*3*) Every general or special order under sub-sections (*1*) and (*2*) shall be published in the manner prescribed for the publication of a public notice under section 163.

Explanation.—For the purposes of sub-section (*2*), a dress or an article of apparel shall be deemed to be worn or displayed in public, if it is worn or displayed in any place to which the public have access.]

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[1] This section was inserted by Bom. 1 of 1956, s. 8.
[2] This heading and section 63A were inserted by Bom. 20 of 1953, s. 7.

[1][*IV. Village Defence Parties.*

Constitution of village defence parties.

63B. (*1*) For the protection of persons, the security of property and the public safety in villages, the District Superintendent may constitute voluntary bodies, hereinafter in this section called " village defence parties ", for any villages within his jurisdiction, as he deems fit.

(*2*) Subject to any general or special orders which the State Government may make in this behalf, every person between the ages of 20 and 50 and residing in a village and who in the opinion of the District Superintendent is a fit and proper person having regard to the nature of duties and functions to be performed under the provisions of this section shall be eligible for appointment as a member of the village defence party constituted for his village.

(*3*) The District Superintendent may by a written order signed by himself, and sealed with his own seal, appoint any person eligible under sub-section (*2*) to be a member of a village defence party.

(*4*) For each village defence party the District Superintendent shall appoint a person eligible under sub-section (*2*) to be an honorary commandant, called the Kotwal.

(*5*) For the direction and supervision of village defence parties in a taluka, the District Superintendent may appoint a police officer, not below the rank of Head Constable, to be a Taluka Village Defence Officer, and any person who is willing to serve and in the opinion of the District Superintendent is fit , to be a Joint Taluka Village Defence Officer.

(*6*) For the direction and supervision of village defence parties in a district, the District Superintendent may appoint a police officer, not below the rank of Sub-Inspector to be a District Village Defence Officer, and any person who is willing to serve and in the opinion of the District Superintendent is fit, to be a Joint District Village Defence Officer.

(*7*) Members of village defence parties and officers, appointed under this section, shall be under the direction and control of the District Superintendent, and shall receive such training, and discharge such duties, as may be determined by the District Superintendent.

(*8*) Members of village defence parties and officers (other than police officers), appointed under this section, shall be subject to such terms and conditions of service as may be determined, with the previous approval of the State Government, by the District Superintendent.

(*9*) The District Superintendent or any officers appointed under this section may at any time call out officers subordinate to them, or any member of a village defence party for training or to discharge the duties assigned to them.

(*10*) Every member of a village defence party and every officer appointed under this section shall—

(*a*) on appointment receive a certificate in a form approved by the State Government in this behalf;

(*b*) when called out for duty, have the same powers, privileges and protection as a police officer appointed under this Act.

(*11*) Notwithstanding anything contained in any law for the time being in force, a member of a village defence party or any officer (other than a police officer) appointed under this section, shall not be disqualified from being chosen as, or for being, a member of—

(*a*) the Bombay Legislative Assembly or the Bombay Legislative Council, or

(*b*) any local authority,

by reason only of the fact that he is a member of a village defence party or such officer.]

[1] This heading and section 63B were inserted by Bom. 1 of 1956, s. 9.

CHAPTER VI.

Executive powers and duties of the Police.

64. It shall be the duty of every Police officer— Duties of a Police officer.

(*a*) promptly to serve every summons and obey and execute every warrant or other order lawfully issued to him by competent authority, and to endeavour by all lawful means to give effect to the lawful commands of his superior ;

(*b*) to the best of his ability to obtain intelligence concerning the commission of cognizable offences or designs to commit such offences, and to lay such information and to take such other steps, consistent with law and with the orders of his superiors as shall be best calculated to bring offenders to justice or to prevent the commission of cognizable and within his view of non-cognizable offences ;

(*c*) to prevent to the best of his ability the commission of public nuisances ;

(*d*) to apprehend without unreasonable delay all persons whom he is legally authorised to apprehend and for whose apprehension there is sufficient reason ;

(*e*) to aid another Police officer when called on by him or in case of need in the discharge of his duty, in such ways as would be lawful and reasonable on the part of the officer aided ;

(*f*) to discharge such duties as are imposed upon him by any law for the time being in force.

65. (*1*) Every Police officer may, subject to the rules and orders made by the State Government or by a person lawfully authorized, enter for any of the purposes referred to in section 64 without a warrant, and inspect any place of public resort which he has reason to believe is used as drinking shop, or a shop for the sale of intoxicating drugs or a place of resort of loose and disorderly characters. Power to enter places of public resort.

(*2*) When in a street or a place of public resort a person has possession or apparent possession of any article which a Police officer in good faith suspects to be stolen property, such Police officer may search for and examine the same and may require an account thereof, and should the account given by the possessor be manifestly false or suspicious, may detain such article and report the facts to a Magistrate, who shall thereon proceed according to sections 523 and 525 of the Code of Criminal Procedure, 1898, or other law in force. Power to search suspected persons in a street.

V of 1898.

66. It shall be the duty of every Police officer— Duties of Police officers towards the public.

(*a*) to afford every assistance within his power to disabled or helpless persons in the streets, and to take charge of intoxicated persons and of lunatics at large who appear dangerous or incapable of taking care of themselves ;

(*b*) to take prompt measures to procure necessary help for any person under arrest or in custody, who is wounded or sick and whilst guarding or conducting any such person, to have due regard to his condition ;

(*c*) to arrange for the proper sustenance and shelter of every person who is under arrest or in custody ;

(*d*) in conducting searches, to refrain from needless rudeness and the causing of unnecessary annoyance ;

(*e*) in dealing with women and children to act with strict regard to decency and with reasonable gentleness ;

(*f*) to use his best endeavours to prevent any loss or damage by fire ;

(*g*) to use his best endeavours to avert any accident or danger to the public.

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Police to regulate traffic, etc. in streets.

67. It shall be the duty of a Police officer—

(*a*) to regulate and control the traffic in the streets, to prevent obstructions therein and, to the best of his ability, to prevent the infraction of any rule or order made under this Act or any other law in force for observance by the public in or near the streets ;

(*b*) to keep order in the streets and at and within public bathing, washing and landing places, fairs, temples and all other places of public resort and in the neighbourhood of places of public worship during the time of public worship ;

(*c*) to regulate resort to public bathing, washing and landing places, to prevent overcrowding thereat and in public ferry-boats and, to the best of his ability, to prevent the infraction of any rule or order lawfully made for observance by the public any such place or on any such boat.

Persons bound to conform to reasonable orders of Police.

68. All persons shall be bound to conform to the reasonable directions of a Police officer given in fulfilment of any of his duties under this Act.

Power of Police officer to restrain, remove, etc.

69. A Police officer may restrain or remove any person resisting or refusing or omitting to conform to any direction referred to in section 68 and may either take such person before a Magistrate or, in trivial cases, may release him when the occasion is past.

Enforcement of orders issued under section 37, 38 or 39.

70. Whenever a notification has been duly issued under section 37 or an order has been made under section 38 or 39, it shall be lawful for any Magistrate in a District or Police officer to require any person acting or about to act contrary thereto to desist or to abstain from so doing, and, in case of refusal or disobedience, to arrest the person offending. Such Magistrate or Police officer may also seize any object or thing used or about to be used in contravention of such notification, or order as aforesaid, and the thing seized shall be disposed of according to the order of any District Magistrate having jurisdiction at the place.

Duty of Police to see orders issued under section 43, 55 56 [1][57, or 63AA] are carried out.

71. It shall be the duty of the Police to see that every regulation and direction made by any authority under section 43, 55, 56 [1][57 or 63AA] is duly obeyed, to warn persons who from ignorance fail to obey the same and to arrest any person who wilfully disobeys the same.

When Police officer may arrest without warrant.

72. Any Police officer may, without any order from a Magistrate and without a warrant, arrest—

(*1*) any person who has been concerned in an offence punishable under section 121 or against whom a reasonable complaint has been made or credible information has been received or a reasonable suspicion exists, of his having been concerned in such offence ;

(*2*) any person who contravenes a rule or order under clause (*x*) of sub-section (*1*) of section 33 or an order or notification under section 36,37, 56 [2][57 or 63AA] ;

[3][(*2A*) any person who contravenes any order made under sub-section (*1*) of section 63A ;

(*3*) any person who commits an offence punishable under section 122 or section 136.

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[1] These figures, word and letters were substituted for the word and figures "or 57" by Bom. 1 of 1956, s. 10.

[2] These figures, word and letters were substituted for the word and figures "or 57" *ibid.*, s. 11.

[3] Clause (*2A*) was inserted by Bom. 20 of 1953, s. 8.

When Police may arrest without a warrant.

73. Any Police officer may, without an order from a Magistrate and without a warrant, arrest any person committing in his presence any offence punishable under section 3, 3A, 4, 5, 6 or 6C of the Prevention of Cruelty to Animals Act, 1890.

XI of 1890.

Powers with regard to offences under Act XI of 1890.

74. When in respect of an animal an offence under section 3 or section 5 or [1]* * section 6 of the Prevention of Cruelty to Animals Act, 1890, hereinafter in this section and in sections 75 and 77 referred to as the said Act has been committed, or, when there is a reasonable ground for suspecting that such offence has been committed, a Police officer may—

XI of 1890.

(*a*) take the animal to a Magistrate, or

(*b*) if the accused person so requires, take the animal to a veterinary officer, if any, empowered by the State Government in this behalf, or

(*c*) take the animal to an infirmary appointed under [2][sub-section (*1*) of section 6B] of the said Act for treatment and detention therein, pending direction of a Magistrate under [3][sub-sections (*2*) and (*3*)] of the said section, or

(*d*) when the animal is in such a physical condition that it cannot be taken to a veterinary officer or a Magistrate, draw up a report of the condition of the animal in the presence of two or more respectable persons describing such wounds, sores, fractures, bruises or other marks of injury as may be found on the body of the animal :

Provided that in cases falling under clause (*b*) or (*d*) the Police officer may direct that the animal shall be sent for detention in a dispensary or any suitable place approved by the State Government by general or special order and be there detained until its production before a Magistrate :

Provided further that an animal so detained shall be produced before a Magistrate with the least possible delay and within a period not exceeding three days from the date on which it was sent for detention and shall be handed over to its owner unless the Magistrate passes an order for its further detention in an infirmary.

Power of Magistrate to return animal to person from whose possession it was taken.

75. When an animal is brought before a Magistrate under section 74, the Magistrate may direct the animal to be returned to the person from whose possession it was taken, on such person giving security to the satisfaction of the Magistrate, binding himself to produce the animal when required, or may direct that the animal shall be sent for treatment and care to an infirmary and be there detained as provided in [4][sub-sections (*2*) and (*3*) of section 6B] of the said Act or may make such order as he thinks fit regarding the disposal or custody and production of the animal.

Veterinary officer to examine the animal.

76. The veterinary officer before whom an animal is brought under section 74 shall with all convenient speed examine the same and draw up a report of such examination. A copy of the report shall be delivered free of charge to the accused person if he applies for it..

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[1] The words, brackets and figures "sub-section (*1*) of" were deleted by Bom. 21 of 1954, s. 3, Second Schedule.

[2] These words, brackets and figures were substituted for "sub-section (*2*) of section (6), *ibid.*

[3] These words, brackets and figures were substituted for "sub-section (*3*)", *ibid.*

[4] These words, brackets and figures were substituted for "sub-section (*3*) of section 6, *ibid.*

Animal to be dealt with under Act XI of 1890.

77. When under section 74 a Police officer directs that an animal shall be sent for detention in a dispensary or any suitable place before its production before a Magistrate or under section 74 a Magistrate directs that an animal shall be sent for treatment and care to an infirmary and be detained therein, the provisions of sub-sections [1][(*5*), (*6*) and (*7*) of section 6B] of the said Act shall, so far as may be, apply.

Power of Police Officer to unsaddle the animal or unload.

78. When a Police officer in good faith suspects that any animal being employed in any work or labour is, by reason of any sore, unfit to be so employed, he may require the person in charge of such animal to unsaddle or unload it for the purpose of ascertaining whether any sore exists and, if any person refuses to do so, may himself unsaddle or unload the animal or may cause the same to be unsaddled or unloaded.

Power of police to arrest without warrant when certain offences committed in his presence.

[2][**79.** Any police officer may, without an order from a Magistrate and without a warrant, arrest any person committing in his presence any offence punishable under section 117, or section 125 or section 130 or sub-clause (*i*), (*iv*) or (*v*) of section 131 or clause (*i*) of section 135 in respect of contravention of any order made under section 39 or 40.]

Other powers of arrest.

80. (*1*) Any Police officer specially empowered in this behalf by a competent authority may arrest without warrant for an offence specified in section 110.

(*2*) Any Police officer may, on the information of any person in possession or charge of any dwelling house, private premises, or land or ground attached thereto, arrest without warrant any person alleged to have committed therein or thereon an offence punishable under section 120.

Refusal to obey warning or to accompany Police.

81. A Police officer may arrest without warrant any person committing in his presence in any street or public place any non-cognizable offence punishable under this Act, or under any rule thereunder and for which no express provision has been made elsewhere or under any other law for the time being in force, if such person —

(*i*) after being warned by a Police officer persists in committing such offence, or

(*ii*) refuses to accompany the Police officer to a Police Station on being required so to do.

Police to take charge of unclaimed property.

82. (*1*) The Police shall take temporary charge—

(*a*) of all unclaimed property found by, or made over to them, and also.

(*b*) of all property found lying in any public street, if the owner or person in charge of such property on being directed to remove the same, refuses or omits to do so.

(*2*) In Greater Bombay the property of which the Police have taken charge under sub-section (*1*) shall be handed over to the Commissioner.

Intestate property over four hundred rupees in value.

83. (*1*) In Greater Bombay if any property of the nature referred to in section 82 appears to have been left by a person who has died intestate, and not to be under four hundred rupees in value, the Commissioner shall communicate with the Administrator General, with a view to its being dealt with under the provisions of the Administrator General's Act, 1913, or other law for the time being in force. III of 1913.

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[1] These brackets, figures and words were substituted for "[1](*5*)(*6*), (*7*) and (*8*) of section 6 by Bom. 21 of 1954, s. 3, Second Schedule.

[2] This section was substituted for the original, *ibid.*

(2) In areas outside Greater Bombay the property shall be delivered to the police-patel, if any, of the town or village in which the same was found, and a receipt therefor taken from the police-patel, who shall forward such property to the Magistrate to whom such police-patel is subordinate. If in any such case there be no police-patel of such town or village, the Police shall forthwith report to such Magistrate as the Magistrate of the district shall, from time to time, appoint in this behalf, and act thereafter as the said first mentioned Magistrate shall direct.

Bom. VIII of 1867.

Intestate property over four hundred rupees in value.

84. If the property regarding which a report is made to a Magistrate under section 83 or under section 19 of the Bombay Village Police Act, 1867, appears to such Magistrate to have been left by a person who has died intestate and without known heirs and to be likely, if sold in public auction, to realise more than four hundred rupees net proceeds, he shall communicate with the District Judge with a view to its being dealt with under the provisions of section 10 of Bombay Regulation VIII of 1827 (a Regulation to provide for the formal recognition of heirs, etc.) or other law in force.

Procedure in other cases.

85. (*1*) In any case not covered by section 83 or 84 the Commissioner or the Magistrate concerned, as the case may be, shall issue a proclamation specifying the articles of which such property consists and requiring any person who may have a claim thereto to appear before himself or some other officer whom he appoints in this behalf and establish his claim within six months from the date of such proclamation.

Power to sell perishable property at once.

(*2*) If the property, or any part thereof, is subject to speedy and natural decay, or consists of live-stock, or if the property appears to be of less value than five rupees, it may be forthwith sold by auction under the orders of the Commissioner, or the Magistrate concerned, as the case may be, and the net proceeds of such sale shall be dealt with in the same manner as is hereinafter provided for the disposal of the said property.

Delivery of property to person entitled.

86. (*1*) The Commissioner or the Magistrate concerned, as the case may be, shall, on being satisfied of the title of any claimant to the possession or administration of the property specified in the proclamation issued under sub-section (*1*) of section 85, order the same to be delivered to him, after deduction or payment of the expenses properly incurred by the Police in the seizure and detention thereof.

Power to take security.

(*2*) The Commissioner or the Magistrate concerned, as the case may be, may, at his discretion, before making any order under sub-section (*1*), take such security as he may think proper from the person to whom the said property is to be delivered, and nothing hereinbefore contained shall affect the right of any person to recover the whole or any part of the same from the person to whom it may have been delivered pursuant to such order.

In default of claim, property to be at disposal of State Government.

87. If no person establishes his claim to such property within the period specified in the proclamation it shall be at the disposal of the State Government, and the property, or such part thereof as has not already been sold under sub-section (*2*) of section 85, may be sold by auction under the orders of the Commissioner, or the Magistrate concerned, as the case may be.

Procedure not affected by Indian Succession Act or Administrator General's Act or Regulation VIII of 1827.

88. Nothing in the Indian Succession Act, 1925, or in the Administrator General's Act, 1913, shall apply to intestate property which is dealt with by the Commissioner, under sub-section (*1*) of section 85, nor shall the provisions of section 10 of Regulation VIII of 1827 likewise be deemed to apply to intestate property which is dealt with by a Magistrate under sub-section (*1*) of section 85. XXXIX of 1925. III of 1913.

Police officer may take charge of stray cattle.

89. In any area outside Greater Bombay, a Police officer may take charge of any animal falling under the provisions of the Cattle Trespass Act, 1871, which may be found straying in a street, and may take or send the same to the nearest pound, and the owner and other persons concerned shall thereon become subject to the provisions of the said Act. I of 1871.

Power to establish cattle-pounds and appoint pound-keepers.

90. (*1*) In Greater Bombay the Commissioner [1]* * * * * shall, from time to time, appoint such places as he thinks fit to be public pounds, and may appoint to be keepers of such pounds Police officers of such rank as may be approved by the State Government.

(*2*) Every pound-keeper so appointed shall, in the performance of his duties, be subject to the direction and control of the Commissioner, [2]* * *.

Penalty for allowing cattle to stray in street or to trespass upon private or public property.

[3][**90A.** (*1*) Whoever in Greater Bombay allows any cattle which are his property or in his charge to stray in any street or to trespass upon any private or public property shall, on conviction, be punished—

(*i*) for the first offence, with imprisonment for a term which may extend to one month or with fine which may extend to three hundred rupees or with both ;

(*ii*) for the second or subsequent offence, with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees or with both.

(*2*) The Magistrate trying the offence under sub-section (*1*) may order,—

(*a*) that the accused shall pay such compensation, not exceeding two hundred and fifty rupees as the Magistrate considers reasonable, to any person for any damage proved to have been caused to his property or to produce of land by the cattle under the control of the accused trespassing on his land ; and also

(*b*) that the cattle in respect of which an offence has been committed shall be forfeited to the State Government.

(*3*) Any compensation awarded under sub-section (*2*) may be recovered as if it were a fine imposed under this section.

(*4*) An offence under this section shall be cognizable.]

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[1] The words and figures "and in other areas to which the State Government may by notification in the *Official Gazette* extend the provisions of this section and sections 91, 92, 93 and 94 of this Act, any officer appointed in that behalf by the State Government" were deleted by Bom. 20 of 1953, s. 9.

[2] The words "or such officer as aforesaid" were deleted, *ibid.*

[3] Section 90A was inserted, *ibid*, s. 10.

Impounding of cattle.

91. It shall be the duty of every Police officer, and it shall be lawful for any other person, to seize and take to any such public pound for confinement therein, any cattle found straying in any street or trespassing upon any private or public property in Greater Bombay [1]* * *

Delivery of cattle claimed.

92. If the owner of the cattle impounded under section 91 or his agent appears and claims the cattle, the pound-keeper shall deliver them to him on payment of the pound-fees and expenses chargeable in respect of such cattle under section 94.

Sale of cattle not claimed.

93. (*1*) If within ten days after an animal has been impounded no person appearing to be the owner of such animal offers to pay the pound-fee and expenses chargeable under section 94, such animal shall be forthwith sold by auction, and the surplus remaining after deducting the fee and expenses aforesaid from the proceeds of the sale shall be paid to any person who, within fifteen days after the sale, proves to the satisfaction of such officer as the Commissioner authorises in this behalf [2]* * * that he was the owner of such animal, and shall, in any other case, form part of the consolidated fund of the State.

(*2*) No Police officer or pound-keeper shall, directly or indirectly, purchase any cattle at a sale under sub-section (*1*).

Rate to be fixed by notification.

94. (*1*) The pound-fee chargeable shall be such as the State Government may, from time to time by notification in the *Official Gazette*, specify for each kind of animal [3]* * *

(*2*) The expenses chargeable shall be at such rates for each day during any part of which an animal is impounded, as shall from time to time be fixed by the Commissioner [4]* * * in respect of such animal.

Powers as to inspection, search and seizure of false weights and measures.

V of 1898.

95. (*1*) Notwithstanding anything contained in section 153 of the Code of Criminal Procedure, 1898, any Police officer generally or specially deputed, in Greater Bombay, by the Commissioner and elsewhere, by the District Superintendent or any other officer specially empowered in that behalf by the State Government, may without warrant enter any shop or premises for the purpose of inspecting or searching for any weights or measures or instruments for weighing or measuring used or kept therein.

(*2*) If he finds in such shop or premises weights, measures or instruments for weighing or measuring which he has reason to believe are false, he may seize the same and shall forthwith give information of such seizure to the Magistrate having jurisdiction, and if such weights, measures or instruments shall be found by the Magistrate to be false, they shall be destroyed.

(*3*) Weights and measures purporting to be of the same denomination as weights and measures, the standards whereof are kept under any law from time to time in force shall, if they do not correspond with the said standards, be deemed to be false within the meaning of this section.

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[1] The words " or in such areas as aforesaid " were deleted by Bom. 20 of 1953, s. 11.
[2] The words and figures " or any other officer appointed under section 90 " were deleted, *ibid*, s. 12.
[3] The words "for the whole State or for such area as may be specified in the notification " were deleted, *ibid*, s. 13(*1*).
[4] The words " or any officer appointed as aforesaid " were deleted, *ibid*, s. 13 (*2*).

Procedure to be followed by officers and Magistrates in certain cases.

96. (*1*) Notwithstanding anything contained in sections 129, 130, sub-section (*2*) of section 167, and section 173 of the Code of Criminal Procedure, 1898— V of 1898.

(*i*) the powers and duties of a Magistrate under sections 129 and 130 of that Code may, in Greater Bombay, be exercised and performed by the Commissioner,

(*ii*) the Presidency Magistrate in Greater Bombay to whom an accused person is forwarded under sub-section (*2*) of section 167 of the Code, may, whether he has or has not jurisdiction to try the case, from time to time, authorise the detention of the accused in such custody as such Magistrate thinks fit for a term not exceeding fifteen days at a time,

(*iii*) the officer in charge of the Police station shall forward his report under section 173 of the Code to the Commissioner or such other officer as the Commissioner may direct in that behalf.

(*2*) Nothing contained in section 62 of the Code of Criminal Procedure, 1898, V of 1898. shall operate to require any officer in charge of a Police Station in Greater Bombay to submit any report provided for by that section to any Magistrate.

(*3*) Sections 127 and 128 of the Code of Criminal Procedure, 1898, in their appli- V of 1898. cation to Greater Bombay shall be amended as follows :—

(*a*) in section 127, for the words "police station" the words "section or any police officer not below the rank of a sub-inspector authorised by the State Government in this behalf" shall be substituted ;

(*b*) in section 128, for the words "police station whether within or without the presidency-towns" the words and figures "section or any police officer authorised under section 127" shall be substituted.

A superior Police Officer may himself perform duties imposed on his inferior, etc.

97. A Police officer of rank superior to that of constable may perform any duty assigned by law or by a lawful order to any officer subordinate to him ; and in case of any duty imposed on such subordinate, a superior where it shall appear to him necessary, may aid, supplement, supersede or prevent any action of such subordinate by his own action or that of any person lawfully acting under his command or authority, whenever the same shall appear necessary or expedient for giving more complete or convenient effect to the law or for avoiding an infringement thereof.

Emergency duties of Police.

98. (*1*) The State Government may, by notification in the *Official Gazette*, declare any specified service to be an essential service to the community :

Provided that such notification shall remain in force for one month in the first instance, but may be extended, from time to time, by a like notification.

(*2*) Upon a declaration being made under sub-section (*1*) and so long as it remains in force, it shall be the duty of every Police officer to obey any order given by any superior officer in relation to employment upon or in connection with the service specified in the declaration ; and every such order shall be deemed to be a lawful order within the meaning and for the purposes of this Act.

Chapter VII.

Offences and Punishments.

Disregarding the rule of the road.

99. No person shall—

(*a*) when driving a vehicle along a street and except in cases of actual necessity or of some sufficient reason, for deviation, fail to keep on the left side of such street and when passing any other vehicle proceeding in the same direction fail to keep on the right side of such vehicle; or

Leaving cattle, etc., insufficiently tended.

(*b*) leave in any street or public place insufficiently tended or secured any animal or vehicle.

Causing obstruction or mischief by animal.

100. No person shall cause obstruction, damage, injury, danger, alarm or mischief in any street or public place,—

(*i*) by any misbehaviour, negligence or ill-usage in the driving, management, treatment or care of any animal or vehicle; or

(*ii*) by driving any vehicle or animal laden with timber, poles, or other unwieldy articles through a street or public place contrary to any regulation made in that behalf and published by a competent authority.

Exposing animal for hire or sale etc.

101. No person shall in any street or public place expose for hire or sale any animal or vehicle, clean any furniture or vehicle, or clean or groom any horse or other animal, except at such times and places as a competent authority permits, or shall train or break in any horse or other animal or make any vehicle or any part of a vehicle, or except when in the case of an accident repairing on the spot is unavoidable, repair any vehicle or part of a vehicle or carry on therein any manufacture or operation so as to be a serious impediment to traffic or a serious annoyance to residents or to the public.

Causing any obstruction in a street.

102. No person shall cause obstruction in any street or public place by allowing any animal or vehicle which has to be loaded or unloaded, or to take up or set down passengers, to remain or stand therein longer than may be necessary for such purpose, or by leaving any vehicle standing or fastening any cattle therein, or using any part of a street or public place as a halting place for vehicles or cattle, or by leaving any box, bale, package or other thing whatsoever in or upon a street for an unreasonable length of time or contrary to any regulation made and published by a competent authority by exposing anything for sale or setting out anything for sale in or upon any stall, booth, board, cask, basket or in any other way whatsoever.

Obstructing a footway.

103. No person shall drive, ride, lead, propel or leave on any footway any animal or vehicle other than a perambulator or fasten any animal so that the same can stand across or upon such footway.

Exhibiting mimetic, musical or other performances, etc.

104. No person shall exhibit, contrary to any regulation made and notified by the Commissioner or a District Magistrate, as the case may be, any mimetic, musical or other performances of a nature to attract crowds, or carry or place bulky advertisements, pictures, figures or emblems in any street or public place whereby an obstruction to passengers or annoyance to the inhabitants may be occasioned.

Doing offensive acts on or near street or public place.

105. No person shall slaughter any animal, clean a carcass or hide, or bathe or wash his person in or near to and within sight of a street or public place (except at a place set apart for the purpose by order of a competent authority) so as to cause annoyance to the neighbouring residents or to passers by.

Letting loose horse, etc. and suffering ferocious dogs to be at large.

106. No person shall in any street or public place (A) negligently let loose any horse or other animal, so as to cause danger, injury, alarm or annoyance, or suffer a ferocious dog to be at large without a muzzle, or (B) set on or urge a dog or other animal to attack, worry or put in fear any person or horse or other animal.

Bathing or washing in places not set apart for those purposes.

107. No person shall bathe or wash in or by the side of a public well, tank or reservoir not set apart for such purposes by order of a competent authority, or in or by the side of any pond, pool, aqueduct, part of a river, stream, nala or other source or means of water-supply in which such bathing or washing is forbidden by order of the competent authority.

Defiling water in public wells, etc.

108. No person shall defile or cause to be defiled, the water in any public well, tank, reservoir, pond, pool, aqueduct or part of a river, stream, nala or other source or means of water-supply, so as to render the same less fit for any purpose for which it is set apart by the order of the competent authority.

Obstructing bathers.

109. No person shall obstruct or incommode a person bathing at a place set apart for the purpose by the order of the competent authority under section 107 by wilful intrusion or by using such place for any purpose for which it is not so set apart.

Behaving indecently in public.

110. No person shall wilfully and indecently expose his person in any street or public place or within sight of, and in such manner as to be seen from, any street or public place, whether from within any house or building or not, or use indecent language or behave indecently or riotously, or in a disorderly manner in a street or place of public resort or in any office, station or station house.

Obstructing or annoying passengers in the street

111. No person shall wilfully push, press, hustle or obstruct any passenger in a street or public place or by violent movements, menacing gestures, wanton personal annoyance, screaming, shouting, wilfully frightening horses or cattle or otherwise disturb the public peace or order.

Misbehaviour with intent to provoke a breach of the peace.

112. No person shall use in any street or public place any threatening, abusive or insulting words or behaviour with intent to provoke a breach of the peace or whereby a breach of the peace may be occasioned.

Prohibition against flying kite.

113. No person shall fly a kite so as to cause danger, injury or alarm to persons, [1][horses] or property.

Begging and exposing offensive ailments.

114. No person shall beg importunately for alms or direct or permit children under his control to beg for alms, or expose or exhibit, with the object of exciting charity, any deformity or disease or any offensive sore or wound, in, or near to, and within sight of, any street.

Committing nuisance in or near street, etc.

115. No person shall in or near to any street, public place or place of public resort—

(*a*) commit a nuisance by easing himself, or

(*b*) having the care or custody of any child under seven years of age suffer such child to commit a nuisance as aforesaid [2][or

(*c*) spit or throw any dust, ashes, refuse or rubbish so as to cause annoyance to any passer-by.]

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[1] This word was substituted for the word "houses" by Bom. 21 of 1954, s. 3, Second Schedule.

[2] This word and clause was inserted by Bom. 1 of 1956, s. 12

116. No person shall, in any Court, Police Station, Police Office, building occupied by Government or building occupied by any public body, smoke or spit in contravention of a notice by a competent authority in charge of such place and affixed to such Court, Station, office or building. Disregard of notice in public building.

117. Any person who contravenes any of the provisions of sections 99 to 116 (both inclusive) shall, on conviction, be punished with fine which may extend to [1][hundred rupees]. Penalties for offenders under sections 99 to 116.

118. (*1*) In any local area in which the State Government by notification in the *Official Gazette* brings this section into force, whoever through neglect or otherwise fails to keep in confinement or under restraint between one hour after sunset and sunrise any cattle which are his property or in his charge shall, on conviction, [2][be punished,— Penalty for failure to keep in confinement cattle, etc.

(*i*) for the first offence, with imprisonment for a term which may extend to one month or with fine which may extend to three hundred rupees or with both ;

(*ii*) for the second or subsequent offence, with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees or with both].

Explanation.—Cattle shall not be deemed to be kept in confinement within the meaning of this sub-section unless they are effectively confined within a fence, wall or other enclosure and shall not be deemed to be kept under restraint within the meaning of this sub-section unless they are restrained by means of a rope or other attachment.

[3][(*1A*) The Magistrate trying the offence under sub-section (*1*) may order,—

(*a*) that the accused shall pay such compensation not exceeding two hundred and fifty rupees, as the Magistrate considers reasonable, to any person for any damage proved to have been caused to his property or to produce of land by the cattle under the control of the accused trespassing on his land ; and also

(*b*) that the cattle in respect of which the offence has been committed shall be forfeited to the State Government.

(*1B*) Any compensation awarded under sub-section (*1A*) may be recovered as if it were a fine imposed under this section.

(*1C*) The offence under this section shall be cognizable.]

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[1] These words were substituted for the words "fifty rupees" by Bom. of 1956, s. 13..
[2] This portion was substituted for the words beginning with the words "be punished" and ending with the words "or with both" by Bom. 20 of 1953, s. 14 (*1*).
[3] Sub-sections (*1A*) (*1B*) and (*1C*) were inserted, *ibid.*, s. 14 (*2*).

(2) Any person may seize any cattle not being kept in confinement or under restraint as required by this section and may take or send the same to the nearest cattle-pound, and the owner and other persons concerned shall thereon become subject to the provisions of the Cattle Trespass Act, 1871. All officers of Police and all police patels and all members of the village police shall, when required, aid in preventing resistance to such seizures and rescues from persons making such seizures.

1 of 1871.

(3) Any fine imposed under this section, may without prejudice to any other means of recovery provided by law, be recovered by sale of all or any of the cattle in respect of which the offence was committed, whether they are the property of the person convicted of the offence or were only in his charge when the offence was committed.

Punishment for cruelty to animals.

119. Whoever in any place outside Greater Bombay cruelly beats, goads, overworks, ill-treats or tortures or causes or procures to be cruelly beaten, goaded, over-worked, ill-treated or tortured any animal, shall, on conviction, be punished with imprisonment which may extend to one month or with fine which may extend to one hundred rupees, or with both.

Wilful trespass.

120. Whoever without satisfactory excuse wilfully enters or remains in or upon any dwelling house or premises or any land or ground attached thereto, or on any ground, building, monument or structure belonging to Government or appropriated to public purposes, or on any boat or vessel, shall, on conviction, whether he causes any actual damage or not, be punished with fine which may extend to twenty rupees.

False alarm of fire or damage to fire-alarm.

121. Whoever knowingly gives or causes to be given a false alarm of fire to the fire brigade of a municipality or corporation or to any officer or fireman thereof whether by means of a street fire-alarm, statement, message or otherwise, or, with intent to give such false alarm, wilfully breaks the glass of, or otherwise damages a street fire-alarm, shall, on conviction, be punished with imprisonment for a term which may extend to three months or with fine which may extend to one hundred rupees or with both.

Being found under suspicious circumstances between sunset and sunrise.

122. Whoever is found between sunset and sunrise—

(*a*) armed with any dangerous instrument with intent to commit an offence, or

(*b*) having his face covered, or otherwise disguised, with intent to commit an offence, or

(*c*) in any dwelling-house or other building, or on board any vessel or boat without being able satisfactorily to account for his presence there, or

(*d*) lying or loitering in any street, yard or other place, being a reputed thief and without being able to give a satisfactory account of himself, or

(*e*) having in his possession without lawful excuse (the burden of proving which excuse shall be on such person) any implement of house-breaking, shall, on conviction, be punished with imprisonment for a term which may extend to three months.

Carrying weapon without authority.

123. Whoever not being a member of the armed forces of the Union and acting as such or a Police officer, goes armed with any sword, spear, bludgeon, gun or other offensive weapon or with any explosive or corrosive substance in any street or public place unless so authorised by lawful authority, shall be liable to be disarmed by any Police officer, and the weapon or substance so seized shall be forfeited to the State Government, unless redeemed within two months by payment of such fine not exceeding five hundred rupees as the Commissioner or the District Magistrate in areas under their respective charges imposes.

Possession of property of which no satisfactory account can be given.

124. Whoever has in his possession or conveys in any manner, or offers for sale or pawn, anything which there is reason to believe is stolen property or property fraudulently obtained, shall, if he fails to account for such possession or to act to the satisfaction of the Magistrate, on conviction, be punished with imprisonment for a term which may extend to three months or with fine which may extend to one hundred rupees or with both.

Taking spirits into public hospital

125. Whoever—

(*a*) takes or introduces, or attempts to take or introduce, any spirits or spirituous or fermented liquors or intoxicating drugs or preparations into any public hospital without the permission of a medical officer of such hospital, or

or into barracks or on boards of vessels of war.

(*b*) not being amenable to the Articles of War takes or introduces, or attempts to take or introduce, any such spirits, liquors, drugs or preparations not belonging to any person above the rank of a non-commissioned officer,

(*i*) into the barracks or buildings occupied by the troops composing the Garrison of Bombay or into any military barracks, guard-rooms or encampments, or

(*ii*) on board or alongside of any vessel of war belonging to Government,

shall, on conviction, be punished with imprisonment for a term which may extend to two months, or with fine which may extend to one hundred rupees, or with both and such spirits, liquor, drugs or preparations and the vessels containing the same, shall be forfeited to the State Government.

Omission by pawn-brokers etc. to report to Police possession or tender of property suspected to be stolen.

126. Whoever, being a pawn-broker, dealer in second-hand property, or worker in metals, or reasonably believed by the Commissioner, or District Superintendent in the areas under their respective charges to be such a person, and having received from a Police officer written or printed information that the possession of any property suspected to have been transferred by any offence mentioned in section 410 of the Indian Penal Code, or by any offence punishable under section 417, 418, 419 or 420 of the said Code, is found in possession or thereafter comes into the possession, or has an offer either by way of sale, pawn, exchange, or for custody, alteration or otherwise howsoever, made to him, of property answering the description contained in such information, shall, unless— LV of 1860.

(*i*) he forthwith gives information to the Commissioner, or the District Superintendent, as the case may be, or at a Police station of such possession or offer and takes all reasonable means to ascertain and to give information as aforesaid of the name and address of the person from whom the possession or offer was received, or

(*ii*) the property being, as an article of common wearing apparel or otherwise, incapable of identification from the written or printed information given, has been in no way concealed after the receipt of such information,

on conviction, be punished with fine which may extend to fifty rupees in respect of each such article of property so in his possession or offered to him.

Melting, etc., of such property.

127. Whoever, having received such information as is referred to in section 126, alters, melts, defaces or puts away or causes or suffers to be altered, melted, defaced or put away without the previous permission of the Police, any such property, shall, on proof that the same was stolen property within the meaning of section 410 of the Indian Penal Code, or property in respect of which any offence punishable under section 417, 418, 419 or 420 of the said Code has been committed, be punished with imprisonment for a term which may extend to three years, or with fine, or with both.

XLV of 1860.

Taking pledge from child.

128. Whoever takes from any child not appearing to be above the age of fourteen years any article whatsoever as a pawn, pledge or security for any sum of money lent, advanced or delivered to such child, or without the knowledge and consent of the owner of the article buys from such child any article whatsoever, shall, on conviction, be punished with fine which may extend to one hundred rupees.

Permission of disorderly conduct at places of public amusement, etc.

129. Whoever, being the keeper of any place of public amusement or entertainment, knowingly permits drunkenness or other disorderly behaviour or any gaming whatsoever, in such place, shall, on conviction, be punished with a fine which may extend to one hundred rupees.

Cheating at games.

130. Whoever, by any fraud or unlawful device or malpractice in playing at or with cards, dice or other game, or in taking a part in the stakes or wagers, or in betting on the sides or hands of the players, or in wagering on the event of any game, sport, pastime or exercise, wins from any other person, for himself or any other or others, any sum of money or valuable thing, shall be deemed guilty of cheating within the meaning of section 415 of the Indian Penal Code, and be liable to punishment accordingly.

XLV of 1860.

Gambling in street.

[1][**130A.** Whoever assembles with others or joins any assembly in a street assembled for the purpose of gaming or wagering shall, on conviction, be punished with fine which may extend to fifty rupees or may be released after a due admonition.]

Penalty for contravening rules, etc., under section 33.

131. [2][[3][Save as provided in section 131A, whoever]—

(*a*) contravenes any rules or order made under section 33 or any of the conditions of a licence issued under such rule or order, or

(*b*) abets the commission of any offence under clause (*a*) shall, on conviction be punished]—

(*i*) if the rule or order under which the said licence was issued was made under clause (*d*), (*g*), (*h*), (*i*), sub-clauses (*i*) and (*ii*) of clause (*r*) or clause (*u*) of sub-section (*1*) of section 33, with imprisonment for a term which may extend to eight days or with fine which may extend to fifty rupees or with both ;

(*ii*) if the rule or order contravened was made under clause (*x*) of sub-section (*1*) of section 33, with imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees or with both ;

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[1] Section 130A was inserted by Bom. 20 of 1953, s. 15.
[2] This portion was substituted for the original by Bom. 21 of 1954, s. 3, Second Schedule.
[3] These words were substituted for the word "whoever" by Bom. 28 of 1954, s. 10.

(*iii*) if the rule or order contravened or the rule or order under which the said licence was issued was made under clauses (*n*) and (*o*) of sub-section (*1*) of section 33 with fine which may extend to two hundred rupees ;

(*iv*) if the rule or order contravened was made under clause (*b*) of sub-section (*1*) of section 33 and prohibits the sale or exposure for sale of any goods on any street or portion thereof so as to cause obstruction to traffic or inconvenience to the public—

(*a*) for the first offence, with imprisonment for a term which may extend to one month or with fine which may extend to two hundred rupees or with both, and

(*b*) for a subsequent offence, with imprisonment for a term which may extend to six months and with fine which may extend to five hundred rupees ; and

(*v*) if the rule or order contravened or the rule or order under which the said licence was issued was made under any other clause, with fine which may extend to fifty rupees.

Liability of licensee of place of public entertainment for acts of servants.

[1][131AA. The holder of a licence, granted under this Act, in respect of a place of public entertainment shall be responsible, as well as the actual offender, for any offence under section 131 committed by his servant or other agent acting with his express or implied permission on his behalf, as if he himself had committed the same, unless he establishes that all due and reasonable precautions were taken by him to prevent the commission of such offence.]

Penalty for not obtaining licence or for not renewing licence within specified period in respect of place of public entertainment.

[2][131A. (*1*) Whoever fails to obtain a licence under this Act in respect of a place of public entertainment or to renew a licence granted under this Act in respect of such a place within the prescribed period shall, on conviction, be punished with a fine which may extend to Rs. 50.

(*2*) Any court trying any such offence shall in addition direct that the person keeping the place of public entertainment in respect of which the offence has been committed shall close such place until he obtains a licence or fresh licence, as the case may be, in respect thereof and thereupon such person shall forthwith comply with such direction.

(*3*) If the person fails to comply with any such direction he shall, on conviction, be punished with imprisonment for a term which may extend to one month or with fine which may extend to Rs. 200 or with both.

(*4*) Without prejudice to any action taken under sub-section (*3*), on the failure of such person to comply with the direction of the Court any police officer authorized by the Commissioner or the District Magistrate, as the case may be, by an order in writing, may take or cause to be taken such steps and use or cause to be used such force as may, in the opinion of such officer, be reasonably necessary for securing compliance with the Court's direction.]

Penalty for disobedience to order under section 31.

132. Whoever contravenes, disobeys, opposes, or fails to conform to an order under section 31 requiring him to vacate any premises, shall, on conviction be punished with imprisonment which may extend to three months or with fine which may extend to five hundred rupees or with both.

Penalty for contravening rules, etc., under section 35.

133. Whoever contravenes any rule made under section 35 shall, on conviction, be punished with imprisonment for a term which may extend to three months or with fine which may extend to two hundred rupees or with both.

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[1] Section 131AA was inserted by Bom. 1 of 1956, s. 14.

[2] Section 131A was inserted by Bom. 28 of 1954, s. 11.

134. Whoever contravenes, disobeys, opposes or fails to conform to any order given by a Police officer under section 36 shall, on conviction, be punished with fine which may extend to two hundred rupees. Penalty for contravention of rule etc., under section 36.

135. Whoever disobeys an order lawfully made under section 37, 39 or 40 or abets the disobedience thereof shall, on conviction, be punished— Penalty for contravention of rule or directions under section 37, 39 or 40.

(*i*) if the order disobeyed or of which the disobedience was abetted was made under sub-section (*1*) of section 37 or under section 39, or section 40, with imprisonment for a term which may extend to one year but shall not except for reasons to be recorded in writing, be less than four months and shall also be liable to fine, and

(*ii*) if the said order was made under sub-section(*2*) of section 37, with imprisonment for a term which may extend to one month or with fine which may extend to one hundred rupees, and

(*iii*) if the said order was made under sub-section (*3*) of section 37, with fine which may extend to one hundred rupees.

136. Whoever disobeys any direction lawfully made under section 38 or abets the disobedience thereof shall, on conviction, be punished with imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees or with both. Penalty for contravening rules, etc., made under section 38.

137. Whoever opposes or fails to conform to any direction given by the Police under section 41, shall, on conviction, be punished with fine which may extend to two hundred rupees. Penalty for contravening rules, etc., made under section 41.

138. Whoever fails to comply with an order made under section 42 shall, on conviction, be punished with fine which may extend to twenty-five rupees for every day that such order continues to be disobeyed by him. Penalty for failure to comply with order under section 42.

139. Whoever contravenes or abets the contravention of any regulation made under section 43 shall, on conviction, be punished with imprisonment which may extend to three months or with fine which may extend to two hundred rupees, or with both. Penalty for contravention of a regulation made under section 43.

140. Whoever opposes or fails to conform to any direction given by the Police under section 68 or abets the opposition or failure to do so shall, on conviction, be punished with fine which may extend to fifty rupees. Penalty for contravening directions under section 68.

141. Whoever opposes or disobeys or fails to conform to any direction issued under section 55, 56 [1][,57 or 63AA] or abets opposition to or disobedience of any such direction shall, on conviction, be punished with imprisonment which may extend to one year but shall not, except for reasons to be recorded in writing, be less than four months, and shall also be liable to fine. Penalty for contravention of directions under section 55, 56, [1][57 or 63AA].

142. Notwithstanding anything contained in section 62 any person who, in contravention of a direction issued to him under section 55, 56 [2][,57 or 63AA enters the area or district or districts] from which he was directed to remove himself shall, on conviction, be punished with imprisonment for a term which may extend to two years, but shall not, except for reasons to be recorded in writing, be less than six months and shall also be liable to fine. Penalty for entering area from which person has been directed to remove himself.

143. Whoever fails without sufficient cause to surrender in accordance with sub-section (*3*) of section 63 shall on conviction be punished with imprisonment which may extend to two years and shall also be liable to fine. Penalty for failure to surrender in accordance with sub-section (*3*) of section 63.

[3][**143A.** (*1*) Whoever contravenes any order made under sub-section (*1*) of section 63A shall on conviction be punished with imprisonment for a term which may extend to one year or with fine or with both. Penalty for contravention of orders under section 63A.

(*2*) Whoever contravenes any order made under sub-section (*2*) of section 63A shall on conviction be punished with imprisonment for a term which may extend to three years or with fine or with both].

144. Any person who having been appointed a Special Police officer under secion 21 shall without sufficient cause neglect or refuse to serve as such or to obey any lawful order or direction that may be given to him for the performance of his duties shall on conviction be punished with fine which may extend to fifty rupees. Neglect or refusal to serve as Special Police officer.

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[1] These figures, word and letters were substituted for the word and figures "or 57" by Bom. 1 of 1956, s. 15.

[2] These figures, words and letters were substituted for the word and figures "or 57" *ibid.*, s. 16.

[3] Section 143A was inserted by Bom. 20 of 1953, s. 16.

Penalty for making false statement etc., and for misconduct of Police officers.

145. (*1*) Any person who makes a false statement or uses a false document for the purpose of obtaining employment or release from employment as a Police officer, or

(*2*) any Police officer who (*a*) is guilty of cowardice, or (*b*) resigns his office or withdraws himself from duties thereof in contravention of section 29, or (*c*) is guilty of any wilful breach or neglect of any provision of law or of any rule or order which as such Police Officer, it is his duty to observe or obey, or (*d*) is guilty of any violation of duty for which no punishment is expressly provided by any other law in force, shall, on conviction, be punished with imprisonment for a term which may extend to three months, or with fine which may extend to one hundred rupees, or with both.

Consequence of failure to return to duty after leave.

(*3*) A Police officer who being absent on leave fails, without reasonable cause to report himself for duty on the expiration of such leave shall, for the purpose of clause (*b*) of sub-section (*2*), be deemed to withdraw himself from the duties of his office within the meaning of section 29.

Penalty for failure to deliver up certificate of appointment or of office or other article.

146. Any Police officer, who wilfully neglects or refuses to deliver up his certificate of appointment or of office or any other article, in accordance with the provision of sub-section (*1*) of section 30, shall, on conviction, be punished with imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both.

Vexatious entry, search, arrest, etc., by Police officer.

147. Any Police officer who—

(*a*) without lawful authority or reasonable cause enters or searches, or causes to be entered or searched, any building, vessel, tent or place ;

(*b*) vexatiously and unnecessarily seizes the property of any person ;

(*c*) vexatiously and unnecessarily detains, searches or arrests any person ;

(*d*) offers any unnecessary personal violence to any person in his custody, or

(*e*) holds out any threat or promise not warranted by law,

shall for every such offence, on conviction, be punished with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees, or with both.

Penalty for vexatious delay in forwarding a person arrested.

148. Any Police officer who vexatiously and unnecessarily delays forwarding any person arrested to a Magistrate or to any other authority to whom he is legally bound to forward such person, shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees or with both.

Penalty for opposing or not complying with direction given under section 70.

149. Whoever opposes or fails forthwith to comply with any reasonable direction given by a Magistrate or a Police officer under section 70 or abets opposition there to or failure to comply therewith, shall, on conviction, be punished with imprisonment for a term which may extend to one year but shall not except for reasons to be recorded in writing be less than four months and shall also be liable to fine.

Penalty for unauthorised use of Police uniform.

[1][**149A.** If any person not being a member of the Police Force, wears, without the permission of an officer authorised by the State Government in this behalf by a general or special order for any area in the State, the uniform of the Police Force or any dress having the appearance or bearing any of the distinctive marks of that uniform, he shall, on conviction, be punished with fine which may extend to two hundred rupees.]

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[1] This section was inserted by Bom. 6 of 1955, s. 3.

Jurisdiction when offender is a Police officer above the rank of constable.

150. Offences against this Act, when the accused person or any one of the accused persons is a Police officer above the rank of a constable, shall not be cognizable except by a Presidency Magistrate or a Magistrate not lower than a second class Magistrate.

Prosecution for certain offences against the Act to be in the discretion of the Police.

151. It will not except in obedience to a rule or order made by the State Government or by the competent authority, be incumbent on the Police to prosecute for an offence punishable under section 117, 119, 131, 134, 137, 139, 140 or 144 when such offence has not occasioned serious mischief and has been promptly desisted from on warning given.

Summary disposal of certain cases.

[1][**151A.** (*1*) A Court taking cognizance of an offence punishable under clause (*v*) of section 131, for contravention of a rule or order made under clause (*b*) or (*c*) of sub-section (*1*) of section 33, may state upon the summons to be served on the accused person that he may, by a specified date prior to the hearing of the charge, plead guilty to the charge by registered letter and remit to the Court such sum, not exceeding twenty-five rupees, as the Court may specify.

(*2*) Where an accused person pleads guilty and remits the sum specified, no further proceedings in respect of the offence shall be taken against him.]

Prosecution for offences under other enactments not affected.

152. Nothing in this Act shall be construed to prevent any person from being prosecuted and punished under any other enactment for any offence made punishable by this Act or from being prosecuted and punished under this Act for an offence punishable under any other enactment :

Provided that all such cases shall be subject to the provisions of section 403 of the Code of Criminal Procedure, 1898. V of 1898.

CHAPTER VIII.

Miscellaneous.

Disposal of fees, rewards etc.

153. All fees paid for licences or written permissions issued under this Act, and all sums paid for the service of processes by Police officers and all rewards, forfeitures and penalties or shares thereof which are by law payable to Police officers as informers, shall, save in so far as any such fees or sums belong under the provisions of any enactment in force to any local authority, be credited to the State Government :

Provided that with the sanction of the State Government, or under any rule made by the State Government in that behalf, the whole or any portion of any such reward, forfeiture or penalty may for special services, be paid to a Police officer, or be divided amongst two or more Police officers.

No municipal or other rates to be payable by State Government on Police buildings.

154. No municipal or other local rates shall be payable by the State Government on account of the occupation or use of any house or place in any area other than Greater Bombay by members of the Police Force for the convenient performance of their duties.

Method of proving orders and notifications.

155. Any order or notification published or issued by the State Government or by a Magistrate or officer under any provision of this Act, and the due publication or issue thereof, may be proved by the production of a copy thereof in the

[1] This section was inserted by Bom. 1 of 1956, s. 17.

Official Gazette, or of a copy thereof signed by such Magistrate, or officer, and by him certified to be a true copy of an original published or issued according to the provisions of the section of this Act applicable thereto.

Rules and orders not invalidated by defect of form or irregularity in procedure.

156. No rule, order, direction, adjudication, inquiry or notification made or published, and no act done under any provision of this Act or of any rule made under this Act, or in substantial conformity to the same, shall be deemed illegal, void invalid or insufficient by reason of any defect of form or any irregularity of procedure.

Presumption in prosecutions for contravention of directions issued under section 55, 56, [57 or 63AA.]

157. Notwithstanding anything contained in any law for the time being in force, in a prosecution for an offence for the contravention of a direction issued under section 55, 56, [1][57 or 63AA] on the production of an authentic copy of the order, it shall, until the contrary is proved and the burden of proving which shall lie on the accused, be presumed—

(*a*) that the order was made by the authority competent under this Act to make it ;

(*b*) that the authority making the order was satisfied that the grounds on or the purpose for which it was made existed, and that it was necessary to make the same ; and

(*c*) that the order was otherwise valid and in conformity with the provisions of this Act.

Officers holding charge of, or succeeding to, vacancies competent to exercise powers.

[2][**157A.** Whenever in consequence of the office of a Commissioner, Magistrate or Police officer becoming vacant, any officer holds charge of the post of such Commissioner, Magistrate, or Police Officer or succeeds, either temporarily or permanently, to his office, such officer shall be competent to exercise all the powers and perform all the duties respectively conferred and imposed by this Act on such Commissioner, Magistrate or Police officer, as the case may be.]

Forfeiture of bond entered into by person permitted to enter or return to the area from which he was directed to remove himself.

158. If any person permitted under sub-section (*1*) of section 63 fails to observe any condition imposed under the said sub-section or in the bond entered into by him under sub-section (*2*) of the said section his bond shall be forfeited and any person bound thereby shall pay the penalty thereof or show cause to the satisfaction of the Court why such penalty should not be paid.

No Magistrate or Police officer to be liable to penalty or damage for act done in good faith in pursuance of duty.

159. No Magistrate or police officer shall be liable to any penalty or to payment of damages on account of an act done in good faith, in pursuance or intended pursuance of any duty imposed or any authority conferred on him by any provision of this Act or any other law for the time being in force or any rule, order or direction made or given therein.

[1] These figures, word and letters were substituted for the word and figures "or 57" by Bom. 1 of 1956, *s.* 18. [2] Section 157A was inserted by Bom. 57 of 1954, *s.* 5.

160. No public servant or person duly appointed or authorised shall be liable to any penalty or to payment of any damages for giving effect in good faith to any such order or direction issued with apparent authority by the State Government or by a person empowered in that behalf under this Act or any rule, order or direction made or given thereunder.

No public servant liable as aforesaid for giving effect in good faith to any rule, order or direction issued with apparent authority.

161. (*1*) In any case of alleged offence by the Commissioner, a magistrate, Police officer or other person, or of a wrong alleged to have been done by such Commissioner, Magistrate, Police officer or other person, by any act done under colour or in excess of any such duty or authority as aforesaid, or wherein, it shall appear to the Court that the offence or wrong if committed or done was of the character aforesaid, the prosecution or suit shall not be entertained, or shall be dismissed, if instituted, more than six months after the date of the act complained of.

Suits or prosecutions in respect of acts done under colour of duty as aforesaid not to be entertained, or to be dismissed if not instituted within six months.

(*2*) In the case of an intended suit on account of such a wrong as aforesaid, the person intending to sue shall be bound to give to the alleged wrong-doer one month's notice at least of the intended suit with a sufficient description of the wrong complained of, failing which such suit shall be dismissed.

In suits as aforesaid one month's notice of suit to be given with sufficient description of wrong complained of.

(*3*) The plaint shall set forth that a notice as aforesaid has been served on the defendant and the date of such service, and shall state whether any, and if any, what tender of amends has been made by the defendant. A copy of the said notice shall be annexed to the plaint endorsed or accompanied with a declaration by the plaintiff of the time and manner of service thereof. Plaint to set forth service of notice and tender of amends.

162. (*1*) Any licence or written permission granted under the provisions of this Act shall specify the period and locality for which, and the conditions and restrictions subject to which, the same is granted, and shall be given under the signature of the competent authority and such fee shall be charged therefor as is prescribed by any rule under this Act in that behalf. Licences and written permissions to specify conditions, etc., and to be signed.

(*2*) Any licence or written permission granted under this Act may at any time be suspended or revoked by the competent authority, if any of its conditions or restrictions is infringed or evaded by the person to whom it has been granted, or if such person is convicted of any offence in any matter to which such licence or permission relates. Revocation of licences, etc.

(*3*) When any such licence or written permission is suspended or revoked, or when the period for which the same was granted has expired, the person to whom the same was granted shall, for all purposes of this Act, be deemed to be without a licence or written permission, until the order for suspending or revoking the same is cancelled, or until the same is renewed, as the case may be. When licence revoked, etc. grantee to be deemed without licence.

(*4*) Every person to whom any such licence or written permission has been granted, shall, while the same remains in force, at all reasonable time, produce the same, if so required by a Police officer. Grantee to produce licence, etc., when required.

Explanation.—For the purpose of this section any such infringement or evasion by, or conviction of, a servant or other agent acting on behalf of the person to whom the licence or written permission has been granted shall be deemed to be infringement or evasion by, or as the case may be, conviction of, the person to whom such licence or written permission has been granted.

163. Any public notice required to be given under any of the provisions of this Act shall be in writing under the signature of a competent authority and shall be published in the locality to be affected thereby, by affixing copies thereof in conspicuous public places, or by proclaiming the same with beat of drums, or by advertising the same in such local newspapers,—English or regional language or Hindi,—as the said authority may deem fit, or by any two or more of these means and by any other means it may think suitable. Public notices how to be given.

164. Whenever under this Act, the doing or the omitting to do anything or the validity of anything depends upon the consent, approval, declaration, opinion or satisfaction of a competent authority, a written document signed by a competent authority purporting to convey or set forth such consent, approval, declaration, opinion or satisfaction shall be sufficient evidence thereof. Consent, etc., of a competent authority may be proved by writing under his signature.

165. Every licence, written permission, notice or other document, not being a summons or warrant or search warrant, required by this Act, or by any rule thereunder, to bear the signature of the Commissioner, shall be deemed to be properly signed if it bears a facsimile of his signature stamped thereon. Signature on notices, etc., may be stamped.

166. (*1*) In the case of any rule or order made by the State Government under an authority conferred by this Act and requiring the public or a particular class of persons to perform some duty or act, or to conduct or order themselves or those under their control in a manner therein described, it shall be competent to any person interested to apply to the State Government by a memorial given to a Secretary to the State Government to annul, reverse or alter the rule or order aforesaid on the ground of its being unlawful, oppressive or unreasonable. Persons interested may apply to State Government to annul, reverse or alter any rule or order.

When a suit shall lie to the District Court to declare a rule or order unlawful.

(*2*) After such an application as aforesaid and the rejection thereof wholly or in part or after the lapse of four months without an answer to such application or a decision thereon published by the State Government, it shall be competent to the person interested and deeming the rule or order contrary to law to institute a suit against the State for a declaration that the rule or order is unlawful either wholly or in part. The decision in such suit shall be subject to appeal ; and a rule or order finally adjudged to be unlawful shall by the State Government be annulled or reversed or so altered as to make it conformable to law.

Repeal and saving.

167. (*1*) The enactments specified in Schedule I are hereby repealed :

Provided that—

(*i*) All rules prescribed, appointments made, powers conferred, orders made or passed, directions and certificates issued, consent, permit, permission or licences given, summons or warrants issued or served, persons arrested or detained or discharged on bail or bond, search warrants issued, bond forfeited, penalty incurred under any such enactment shall, so far as they are consistent with this Act, be deemed to have been respectively prescribed, made, conferred, given, passed, served, arrested, detained, discharged, forfeited and incurred thereunder.

(*ii*) All references made in any Bombay Act to any of the Acts hereby repealed shall be read as if made to the corresponding provision of this Act.

(*2*) Nothing in sub-section (*1*) shall be deemed to affect—

(*a*) the validity, invalidity, effect or consequence of anything done or suffered to be done in an area before the date on which the provisions of this Act come into force in such area ;

(*b*) any right, privilege, obligation or liability already acquired, accrued or incurred before such date ;

(*c*) any penalty, forfeiture or punishment incurred or inflicted in respect of any act before such date ;

(*d*) any investigation, legal proceeding or remedy in respect of such right, privilege, obligation, liability, penalty, forfeiture or punishment ;

(*e*) any legal proceeding pending in any Court or before any officer on the afore said date or anything done or suffered to be done in the course of such proceedings ; and any such proceeding or any appeal or revisional proceedings arising out of such proceeding shall be instituted, continued or disposed of, as the case may be, as if this Act had not come into force.

(*3*) The enactment specified in Schedule III in its application to the State of Bombay, is hereby amended to the extent and in the manner mentioned in the fourth column thereof.

Saving of Bombay Village Police Act and enactments relating to reserve Police.

168. Nothing in this Act shall affect the provisions of the Bombay Village Police Act, 1867, or any enactment which may be made in regard to the reserve Police. Bom. VIII of 1867.

SCHEDULE I.

[*See* Sections 3 and 5 and sub-section (*1*) of section 167.]

Year.	No.	Short title.
1	2	3
1890	IV	The Bombay District Police Act, 1890.
1902	IV	The City of Bombay Police Act, 1902.
1949	XVI	The Police Forces (Control and Direction) Act, 1949.

SCHEDULE II.

(*See* Section 14.)

CERTIFICATE

OF

APPOINTMENT IN THE POLICE FORCE.

No.....

STATE OF BOMBAY.

Certificate of Appointment issued under the Bombay Police Act of 1951 .... Act of 1861.

(Photograph to be affixed in the case of [1][Inspectors and] Sub-Inspectors.)

Mr. ..... has been appointed as.....and is invested with the powers, functions and privileges of a Police officer under the Bombay Police Act of 1951.

Act V of 1861

Greater Bombay
In the Bombay District Police
Railway Police.

On the .....day of.....19

Signature .....

Designation .....

SCHEDULE III.

[*See* sub-section (*3*) of section 167.]

Year.	No.	Short title.	Amendment.
1	2	3	4
1898 ...	V	Code of Criminal Procedure.	In clause (*a*) of sub-section (*2*) of section 1 of the Act— (*i*) for the words "towns of Calcutta, Madras and Bombay", the words "towns of Calcutta and Madras" shall be substituted; (*ii*) for the words "towns of Calcutta and Bombay" the words "town of Calcutta" shall be substituted.

[1] The words "Inspectors and" were deleted by Bom. 20 of 1953, s. 17 and inserted again by Bom. of 1954, s. 12.

THE BOMBAY SEPARATION OF JUDICIAL AND EXECUTIVE FUNCTIONS ACT, 1951.

CONTENTS.

PREAMBLE.

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1. Short title, extent and commencement.
2. Amendments to enactments.
3. Amendments not to render invalid notifications, orders, etc., issued before commencement of Act.
4. Saving.

SCHEDULE.

BOMBAY ACT No. XXIII OF 1951.[1]

[THE BOMBAY SEPARATION OF JUDICIAL AND EXECUTIVE FUNCTIONS ACT, 1951.]

[*5th July 1951*]

Amended by Bom. 39 of 1951.
,, ,, ,, 34 of 1953.
,, ,, ,, 21 of 1954.

An Act to provide for the separation of Judicial and Executive functions in the State of Bombay.

WHEREAS it is expedient to provide for the separation of the performance of judicial and executive functions by officers in the State of Bombay ; It is hereby enacted as follows :—

Short title, extent and commencement.

1. (*1*) This Act may be called the Bombay Separation of Judicial and Executive Functions Act, 1951.

(*2*) It extends to the whole of the State of Bombay.

(*3*) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, specify in this behalf.

Amendments to enactments.

2. The Central Acts specified in Parts I and II of the Schedule appended to this Act (hereinafter called the Schedule) in their application to the State of Bombay and the Bombay Acts specified in Part III of the Schedule are hereby amended to the extent mentioned in the fourth column of the Schedule.

Amendments not to render invalid notifications, orders, etc., issued before commencement of Act.

3. The provisions of this Act which amend any Act specified in the Schedule so as to alter the manner in which, the authority by which, or the law under or in accordance with which, any powers are exercisable, shall not render invalid any notification, order, commitment, attachment, by-law, rule or regulation duly made or issued or anything duly done before the commencement of this Act ; and any such notification, order, commitment, attachment, by-law, rule or regulation or thing may be revoked, varied or undone in the like manner, to the like extent and in the like circumstances, as if it had been done after the commencement of this Act by the competent authority and in accordance with the provisions then applicable to such a case.

Saving.

4. [2][(*1*) [3][Save as provided in this section, nothing in this Act] shall be deemed to affect—

(*a*) the validity, invalidity, effect or consequence of anything done or suffered to be done in an area before the date on which the provisions of this Act come into force in such area ;

(*b*) any right, privilege, obligation or liability already acquired, accrued or incurred before such date ;

(*c*) any penalty, forfeiture or punishment incurred or inflicted in respect of any act before such date ;

(*d*) any investigation, legal proceeding or remedy in respect of such right, privilege, obligation, liability, penalty, forfeiture or punishment ;

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1951, Part V, pp. 28-29 ; for Report of the Select Committee, *see ibid.*

[2] Section 4 was numbered as sub-section (*1*) by Bom. 34 of 1953, s. 12.

[3] These words were substituted for the words "Nothing in this Act", *ibid.*

[1][and any such investigation, legal proceeding or remedy may be instituted, continued, or enforced and any such penalty, forfeiture or punishment may be imposed in accordance with the provisions of the relevant enactments as amended by this Act].

[2][(2) All legal proceedings pending before a Magistrate or Court on the date on which this Act comes into force shall, if such Magistrate or Court ceases to have jurisdiction in respect of such proceedings under the provisions of the relevant enactments as amended by this Act, stand transferred to the Magistrate or Court having jurisdiction under the provisions of the relevant enactments as amended by this Act and shall be heard and disposed of by such Magistrate or Court and such Magistrate and Court shall have all the powers and jurisdiction thereof as if they had been originally instituted before such Magistrate or in such Court.

SCHEDULE.

(*See* section 2.)

PART I.—THE CODE OF CRIMINAL PROCEDURE, 1898.

Year.	No.	Short title.	Extent of Amendment.
1	2	3	4
1898	V	Code of Criminal Procedure, 1898.	1. For section 6, the following shall be substituted, namely :— "6. Besides the High Court and the Court constituted under any law other than this Code for the time being in force, there shall be two classes of Criminal Courts in the State of Bombay, namely :— (Classes of Criminal Courts.) I.—Courts of Session. II.—Courts of Magistrates." 2. After section 6, the following shall be inserted, namely :— "*A-1. Classes of Magistrates.* 6-A. There shall be the following classes of Magistrates, namely :— (Classes of Magistrates.) *I. Judicial Magistrates.* (1) Presidency Magistrates. (2) Magistrates of the first class. (3) Magistrates of the second class. (4) Magistrates of the third class. (5) Special Judicial Magistrates

[1] This portion was substituted for clause (*e*) by Bom. 34 of 1953, s. 12.
[2] Sub-section (2) was inserted, *ibid.*

Years.	No.	Short title.	Extent of Amendment.
1	2	3	4
			II. Executive Magistrates.
1898	V	Code of Criminal Procedure, 1898—*contd.*	(1) District Magistrates. (2) Sub-Divisional Magistrates. (3) Taluka Magistrates. (4) Presidency Magistrates specially empowered by the State Government. (5) Special Executive Magistrates."

3. For section 7, the following shall be substituted, namely :—

"7. (*1*) The State of Bombay shall consist of Sessions divisions and Districts. Sessions divisions; and every sessions division; shall for the purposes of the Code, be a district ; or consist of districts.

(*2*) For the purposes of this Code, Greater Bombay shall be a sessions division and be deemed to be a district.

(*3*) The State Government may alter the limits or the number of such divisions and districts.

(*4*) The sessions divisions and districts existing when the Bombay Separation of Judicial and Executive Functions Act, 1951, comes into force shall be sessions divisions and districts respectively, unless and until they are so altered." Bom. XXIII of 1951.

Year.	No.	Short title.	Extent of amendment.
1	2	3	4
1898	V	Code of Criminal Procedure, 1898— *contd.*	4 In section 8, in sub-section (*1*), for the words "outside the presidency-towns" the words "outside Greater Bombay" shall be substituted.

5. In section 9,—

(*i*) in sub-section (*1*), after the words "sessions division, and" the words "in consultation with the High Court" shall be inserted ;

(*ii*) in sub-section (*3*), after the words "may also" the words "in consultation with the High Court" shall be inserted ;

(*iii*) in sub-section (*4*), after the words "sessions division may" the words "in consultation with the High Court" shall be inserted.

6. In section 10,—

(*i*) in sub-section (*1*),—

(*a*) for the words "outside the presidency-towns" the words "outside Greater Bombay" shall be substituted ;

(*b*) the words "Magistrate of the first class, who shall be called the" shall be deleted ;

(*ii*) in sub-section (*2*), the words "any Magistrate of the first class to be" shall be deleted ;

(*iii*) sub-section (*3*) shall be deleted.

7. In section 12,—

(*i*) in sub-section (*1*),—

(*a*) the words "besides the District Magistrate" shall be deleted ;

(*b*) for the words "outside the presidency-towns" the words "outside Greater Bombay" shall be substituted ;

(*c*) the words "the State Government or the District Magistrate, subject to the control of the State Government" shall be deleted ;

Year.	No.	Short title.	Extent of amendment.
1	2	3	4
1898	V	Code of Criminal Procedure, 1898—*contd.*	(*ii*) after sub-section (*1*), the following sub-section shall be inserted, namely :— "(*1-A*) The power of appointment of Magistrates under sub-section (*1*) shall on the issue of public notification under article 237 of the Constitution, be exercised subject to the terms of the said notification." ; (*iii*) for the marginal note to the said section, the following shall be substituted, namely :— "Judicial Magistrates."

8. In section 13,—

(*i*) in sub-section (*1*), the words "of the first or second class" shall be deleted and after the words "sub-division" the words "or a taluka" shall be inserted ;

(*ii*) in sub-section (*2*), after the words "Sub-divisional Magistrates" the words "or Taluka Magistrates, as the case may be" shall be added ;

(*iii*) in the marginal note to the said section, the words "or taluka" shall be added.

9. For section 14, the following shall be substituted, namely :—

"14. (*1*) The State Government may, in consultation with the High Court, confer upon any person al or any of the powers conferred or conferrable by or under this Code on a Judicial Magistrate in respect to particular cases or to a particular class or classes of cases, or in regard to cases generally in any local area. Such Magistrates shall be called Special Judicial Magistrates and shall be appointed for such term as the State Government may in consultation with the High Court by general or special order direct.

Special Magistrates.

(*2*) The State Government may also appoint Executive Magistrates for particular areas or for the performance of particular functions and confer upon them such powers as it deems fit. Such Magistrates

Year.	No.	Short title.	Extent of amendment.
1	2	3	4
1898	V	Code of Criminal Procedure, 1898—*contd.*	shall be called Special Executive Magistrates and shall be appointed for such term as the State Government may by general or special order direct: Provided that no powers shall be conferred under this sub-section on any police officer below the grade of Assistant Superintendent and no powers shall be conferred on a police officer except so far as may be necessary for preserving the peace, preventing crime and detecting, apprehending and detaining offenders in order to their being brought bofore a Magistrate, and for the performance by the officer of any other duties imposed upon him by any law for the time being in force. (*3*) The State Government may delegate, with such limitations as it may think fit, to any other officer under its control the powers conferred by sub-section (*2*)." 10. In section 15, in sub-section (*1*), for the words "The State Government may direct any two or more Magistrates in any place outside the presidency-towns" the words "The State Government may, in consultation with the High Court direct any two or more Judicial Magistrates in any place outside Greater Bombay" shall be substituted. 11. In section 16, for the words "The State Government may, or, subject to the control of the State Government, the District Magistrate" the words "The High Court, subject to the sanction of the State Government" shall be substituted. 12. In section 17,— (*i*) in sub-section (*1*),— (*a*) for the words "All Magistrates" the words "All Judicial Magistrates" shall be substituted; (*b*) the figures ",13" shall be deleted; (*c*) for the words "District Magistrate" the words "Sessions Judge" shall be substituted; (*d*) the word "and" at the end shall be deleted; (*ii*) sub-section (*2*) and sub-section (*5*) shall be deleted;

Year.	No.	Short title.	Extent of amendment.
1	2	3	4
1898	V	Code of Criminal Procedure, 1898—*contd.*	(*iii*) in the marginal note to the said section, for the word "Magistrates" the words "Judicial Magistrates" and for the words "District Magistrate" the words "Sessions Judge" shall be substituted.

13. After section 17, the following sections shall be inserted, namely :—

"17A. All Executive Magistrates appointed under sections 13 and 14 shall be subordinate to the District Magistrate.

Subordination of Executive Magistrates to District Magistrate.

17B. Courts of Session and Courts of Magistrates (including Courts of Presidency Magistrates) shall be Criminal Courts inferior to the High Court and Courts of Magistrates outside Greater Bombay shall be Criminal Courts inferior to the Court of Session."

Inferior Criminal Courts.

14. In section 18, after sub-section (*4*) the following sub-section shall be added, namely :—

"(*5*) The power of appointment of the Chief Presidency Magistrate and the Additional Chief Presidency Magistrate shall be exercised in consultation with the High Court and the power of appointment of other Presidency Magistrates shall on the issue of public notification under article 237 of the Constitution, be exercised subject to the terms of the said notification."

15. In section 29B,—

(*i*) the words "a District Magistrate or" shall be deleted ;

(*ii*) for the words "by any Magistrate specially empowered by the State Government" the words "by any Judicial Magistrate specially empowered by the State Government in consultation with the High Court" shall be substituted.

16. In section 36, for the words "District Magistrates, Sub-divisional Magistrates and Magistrates of the first, second and third classes" the words "Judicial and Executive Magistrates other than Special Judicial and Executive Magistrates" shall be substituted.

Year.	No.	Short title.	Extent of amendment.
1	2	3	4
1898	V	Code of Criminal Procedure, 1898—*contd.*	17. For section 37, the following shall be substituted, namely :— "37. In addition to his ordinary powers, the State Government may invest any Magistrate with the powers as specified in the fourth Schedule : Additional powers conferrable on Magistrates. Provided that in the case of Judicial Magistrates such powers shall be conferred in consultation with the High Court : Provided further that the State Government may authorise a District Magistrate to invest any Magistrate subordinate to him with any of the powers specified in Part II of the fourth Schedule." 18. In section 38, for the words "conferred on" the words "delegated to" shall be substituted. 19. After section 38, the following section shall be inserted, namely :— "38A. Whenever under any provisions of this Code or of any law for the time being in force relating to any of the matters specified in Lists II and III of the Seventh Schedule to the Constitution any judicial powers are to be conferred on a Sessions Judge, an Additional or Assistant Sessions Judge or a Judicial Magistrate or any such Magistrate is to be specially empowered to exercise such powers, the orders conferring such powers or empowering the exercise of such powers shall be made by the State Government in consultation with the High Court notwithstanding that such provision may not expressly provide for such consultation. Powers on Judicial Magistrates to be conferred in consultation with the High Court. *Explanation.*—For the purposes of this section, the question whether any powers are judicial shall be decided by the State Government in consultation with the High Court and such decision shall be final."

Year.	No.	Short title.	Extent of amendment.
1	2	3	4
1898	V	Code of Criminal Procedure, 1898—*contd.*	20. In section 41, to sub-section (*1*) the following proviso shall be added, namely :— "Provided that in the case of Judicial Magistrates the withdrawal of such powers shall be made in consultation with the High Court."
			21. In section 57, in sub-section (*2*), for the words "before a Magistrate if so required" the words "before a Magistrate having jurisdiction if so required" shall be substituted.
			22. In section 63, for the words "special order of a Magistrate" the words "special order of a Magistrate having jurisdiction" shall be substituted.
			23. In section 78, in sub-section (*1*), after the words "or Sub-divisional Magistrate" the words "or Magistrate of the first class" shall be inserted.
			24. In section 88, in sub-section (*6C*), the words beginning with the words "of the first" and ending with the words "may be" shall be deleted.
			25. In section 94, in sub-section (*1*) for the words "beyond the limits of the towns of Calcutta and Bombay" the words "beyond the limits of Greater Bombay" shall be substituted.
			26. In section 106, in sub-section (*1*), the words "a District Magistrate, a Sub-divisional Magistrate" shall be deleted.
			27. In section 107, in sub-section (*1*), for the words "Presidency Magistrate, District Magistrate, Sub-divisional Magistrate or Magistrate of the first class" the following shall be substituted, namely :— "Presidency Magistrate specially empowered by the State Government in this behalf or a District Magistrate or Sub-divisional Magistrate or a Taluka Magistrate specially empowered by the State Government in this behalf".

Year.	No.	Short title.	Extent of amendment.
1	2	3	4
1898	V	Code of Criminal Procedure, 1898—*contd.*	28. In section 108, for the words "or a Presidency Magistrate, or Magistrate of the first class" the words "or Sub-divisional Magistrate or a Presidency Magistrate" shall be substituted.
			29. In section 109, for the words "Presidency Magistrate, District Magistrate, Sub-Divisional Magistrate or Magistrate of the first class" the words "Presidency Magistrate specially empowered by the State Government in this behalf, or a District Magistrate or a Sub-divisional Magistrate" shall be substituted.
			30. In section 110, for the words "Presidency Magistrate, District Magistrate, or Sub-Divisional Magistrate or a Magistrate of the first class specially empowered in this behalf by the State Government" the words "Presidency Magistrate specially empowered by the State Government in this behalf, or a District Magistrate or a Sub-divisional Magistrate" shall be substituted.
			31. In section 126,— (*i*) In sub-section (*1*), for the words beginning with the words "to a Presidency Magistrate" and ending with the words "first class" the words "to the Court by which an order was made to give security" shall be substituted; (*ii*) for sub-section (*2*), the following shall be substituted, namely :— "(*2*) On such application being made, the Court shall issue summons or warrant, as it may think fit, requiring the person for whom such surety is bound to appear or to be brought before it."
			32. In section 133, in sub-section (*1*),— (*i*) for the words "District Magistrate, a Sub-divisional Magistrate or a Magistrate of the first class" the words "Presidency Magistrate specially empowered by the State Government in this behalf or a District Magistrate or a Sub-divisional Magistrate" shall be substituted; (*ii*) in the last paragraph for the words "to appear before himself or some other Magistrate of the first or second class" the words "to appear before himself or some other Executive Magistrate" shall be substituted.

Year.	No.	Short title.	Extent of amendment.
1	2	3	4
1898	V	Code of Criminal Procedure, 1898—*contd.*	33. In section 143, for the words "A District Magistrate or Sub-divisional Magistrate, or any other Magistrate empowered by the State Government or the District Magistrate in this behalf" the words "A Presidency Magistrate specially empowered by the State Government in this behalf or a District Magistrate or a Sub-divisional Magistrate or any Executive Magistrate empowered either by the State Government or the District Magistrate in this behalf" shall be substituted. 34. In section 144, in sub-section (*1*), for the words and brackets "or of any other Magistrate (not being a Magistrate of the third class)" the words "or of any other Executive Magistrate" shall be substituted. 35. In section 145, in sub-section (*1*), for the words "or Magistrate of the first class" the words "or any other Executive Magistrate specially empowered by the State Government in this behalf" shall be substituted. 36. In section 147, in sub-section (*1*), for the words "or Magistrate of the first class" the words "or any other Executive Magistrate specially empowered by the State Government in this behalf" shall be substituted. 37. In section 164, in sub-section (*1*), for the words "Any Presidency Magistrate, any Magistrate of the first class and any Magistrate of the second class specially empowered in this behalf by the State Government" the words "Any Presidency Magistrate, any District Magistrate, any Sub-divisional Magistrate, any Magistrate of the first class or any other Magistrate specially empowered by the State Government in this behalf" shall be substituted. 38. In section 167,— (*i*) in sub-section (*1*), for the words "the nearest Magistrate" the words "the nearest Judicial Magistrate" shall be substituted;

Year.	No.	Short title.	Extent of amendment.
1	2	3	4
1898	V	Code of Criminal Procedure, 1898—*contd.*	(*ii*) for sub-section (*4*), the following shall be substituted, namely :— "(*4*) Any Magistrate giving such order shall forward a copy of his order, with his reasons for making it, to the Sessions Judge."

39. In section 170, sub-section (*3*) shall be deleted.

40. In section 174, in sub-section (*5*), for the words "or Magistrate of the first class and any Magistrate" the words "or any Executive Magistrate" shall be substituted.

41. In section 186, in sub-section (*1*), for the words "a District Magistrate, a Sub-divisional Magistrate, or if he is specially empowered in this behalf by the State Government, a Magistrate of the first class" the words "or a Magistrate of the first class specially empowered in this behalf by the State Government in consultation with the High Court" shall be substituted.

42. In section 187, in sub-section (*1*), for the words "by a Magistrate other than a Presidency Magistrate or District Magistrate, such Magistrate shall send the person arrested to the District or Sub-divisional Magistrate" the words "the Magistrate issuing the warrant shall send the person arrested to the Sessions Judge" shall be substituted.

43. In section 190,—

(*i*) in sub-section (*1*),

(*a*) the words "District Magistrate or Sub-divisional Magistrate" shall be deleted;

(*b*) for the words "any other" the words "any Judicial" shall be substituted;

(*c*) after the words "in this behalf" the words "by the State Government in consultation with the High Court" shall be inserted;

(*ii*) in sub-section (*2*), the words ", or the District Magistrate subject to the general or special orders of the State Government," shall be deleted;

(*iii*) in sub-section (*3*), after the words "the State Government may" the words "in consultation with the High Court" shall be inserted.

Year.	No.	Short title.	Extent of amendment.
1	2	3	4
1898	V	Code of Criminal Procedure, 1898— *contd.*	44. In section 192,— (*i*) in sub-section (*1*), the words ", District Magistrate or Sub-divisional Magistrate" shall be deleted; (*ii*) in sub-section (*2*),— (*a*) for the words "any District Magistrate" the words "A Sessions Judge" shall be substituted; (*b*) for the words "in his district" the words "in the sessions division" shall be substituted. 45. In section 193, in sub-section (*2*), after the words "the State Government" the words "in consultation with the High Court" shall be inserted. 46. In section 206, in sub-section (*1*),— (*i*) the words "District Magistrate, Sub-divisional Magistrate" shall be deleted; (*ii*) after the words "State Government" the words "in consultation with the High Court" shall be inserted. 47. In section 249, for the words "or with the previous sanction of the District Magistrate, any other Magistrate" the words "or any other Judicial Magistrate specially empowered in this behalf by the State Government in consultation with the High Court" shall be substituted. 48. In section 260, in sub-section (*1*),— (*i*) the clause "(*a*) the District Magistrate," shall be deleted; (*ii*) in clauses (*b*) and (*c*) after the words "State Government" the words "in consultation with the High Court" shall be inserted. 49. In section 261, after the words "The State Government may" the words "in consultation with the High Court" shall be inserted. 50. In section 265, in sub-section (*2*), after the words "The State Government may" the words "in consultation with the High Court" shall be inserted.

Year.	No	Short title.	Extent of amendment.
1	2	3	4
1898	V	Code of Criminal Procedure, 1898— *contd.*	51. In section 269, in sub-section (*1*), after the words "The State Government may" the words "in consultation with the High Court" shall be inserted.
			52. In section 337, in the proviso to sub-section (*1*), the words "other than the District Magistrate" shall be deleted, and for the words "sanction of the District Magistrate" the words "sanction of the Sessions Judge" shall be substituted.
			53. In section 346, in sub-section (*1*),— (*i*) for the words "outside the presidency-towns" the words "outside Greater Bombay" shall be substituted; (*ii*) after the words "District Magistrate" the words "or Sessions Judge, as the case may be," shall be inserted.
			54. In section 349,— (*i*) in sub-section (*1*), for the words "to the District Magistrate or Sub-Divisional Magistrate to whom he is subordinate" the words "to a Magistrate of the first class specially empowered in this behalf by the State Government in consultation with the High Court" shall be substituted; (*ii*) in sub-section (*1A*), for the words "the District Magistrate or Sub-divisional Magistrate" the words, brackets and figure "the Magistrate empowered under sub-section (*1*)" shall be substituted.
			55. In section 350, in proviso (*b*) to sub-section (*1*), for the words "subordinate to the District Magistrate, the District Magistrate" the words ", the Court of Session" shall be substituted; and the words "or District Magistrate" shall be deleted.
			56. In section 380, the words "or a Sub-divisional Magistrate" shall be deleted.

Year.	No.	Short title.	Extent of amendment.
1	2	3	4
1898	V	Code of Criminal Procedure, 1898—*contd.*	57. In section 407,— (*i*) in sub-section (*1*),— (*a*) the word "sub-divisional" shall be deleted; (*b*) for the words "District Magistrate" the words "Court of Session" shall be substituted; (*ii*) in sub-section (*2*),— (*a*) for the words "District Magistrate", wherever they occur, the words "Sessions Judge" shall be substituted; (*b*) after the words "State Government" the words "in consultation with the High Court" shall be inserted. 58. In section 408, for the words, "a District Magistrate or other" the words "or a" shall be substituted. 59. In section 413, for the words "District Magistrate or other" the letter "a" shall be substituted. 60. In section 428, in sub-section (*1*), for the words "by a Magistrate" the words "by a Judicial Magistrate" shall be substituted. 61. In section 435,— (*i*) in sub-section (*1*), the words "or District Magistrate, or any Sub-divisional Magistrate empowered by the State Government in this behalf," and the Explanation to the said sub-section shall be deleted; (*ii*) for sub-sections (*2*) and (*4*), the following shall be substituted, namely :— "(*2*) The District Magistrate or any Sub-divisional Magistrate empowered by the State Government in this behalf, may call for and examine the record of any proceedings before any Subordinate Executive Magistrate for the purpose of satisfying himself as to the correctness, legality or propriety of any order recorded or passed and as to the regularity of any proceedings of such Subordinate Magistrate and may, when calling for such record, direct that the execution of any order be suspended and if the person is in confinement that he be released on bail on his own bond pending the examination of the record.

Year.	No.	Short title.	Extent of amendment.
1	2	3	4
1898	V	Code of Criminal Procedure, 1898—*contd.*	(*3*) If any Sub-divisional Magistrate acting under sub-section (*2*) considers that any such proceeding or order is illegal or improper he shall forward the record with such remarks thereon as he thinks fit to the District Magistrate. (*4*) The High Court may call for and examine the record of any proceeding under section 143, 144 or 145, notwithstanding the fact that such proceeding was before an Executive Magistrate." 62. In section 436,— (*i*) the said section shall be renumbered as sub-section (*1*) of that section ; (*ii*) in sub-section (*1*) so renumbered for the words " the District Magistrate by himself or by any of the Magistrates subordinate to him, to make, and the District Magistrate may himself make, or direct any subordinate Magistrate to make " the words " the Judicial Magistrate to make, " shall be substituted ; (*iii*) the following new sub-section shall be added, namely :— " (*2*) On examining any record under section 435 or otherwise, the District Magistrate may direct any Sub-Divisional Magistrate or any other Executive Magistrate subordinate to him to make, and the Sub-divisional Magistrate may himself make or direct any subordinate Magistrate to make, further inquiry into any proceedings : Provided that no District Magistrate shall make any direction under this section for further inquiry into the case of any person unless such person has had an opportunity of showing cause why such direction should not be made." 63. In section 437, the words " or District Magistrate " and the words " or Magistrate ", wherever they occur, shall be deleted. 64. In section 438, the words " or District Magistrate " shall be deleted.

Year.	No.	Short title.	Extent of amendment.
1	2	3	4
1898	V	Code of Criminal Procedure, 1898—*contd.*	65. In section 479, the words ", District Magistrate " shall be deleted.
			66. In section 488, in sub-section (*1*), the words " , the District Magistrate, " and the words " , a Sub-divisional Magistrate " shall be deleted.
			[1][67. In section 503, as inserted by section 21 of Act I of 1951, in sub-section (*2*),— (*i*) for the words " such magistrate shall apply to the district magistrate " the following shall be substituted, namely :— " such magistrate, if he is a judicial magistrate shall apply to the sessions judge and if he is an executive magistrate shall apply to the district magistrate," ; (*ii*) for the words " and the district magistrate " the words " and the sessions judge or the district magistrate, as the case may be," shall be substituted.]
			68. For section 515, the following shall be substituted, namely :— " 515. All orders passed under section 514 by an Executive Magistrate other than the District Magistrate shall be appealable to the District Magistrate and by a Judicial Magistrate other than a Presidency Magistrate to the Sessions Judge and if no appeal is made against such orders they may be revised in the case of the orders passed by an Executive Magistrate by the District Magistrate and in the case of the orders passed by a Judicial Magistrate by the Sessions Judge." Appeal from, and revision of, orders under section 514.
			69. In section 524, in sub-section (*1*), for the words " of a Magistrate of the first class " the words " of an Executive Magistrate " shall be substituted.

[1] This entry was substituted for the original by Bom. 39 of 1951, s. 3, Second Schedule.

Year.	No.	Short title.	Extent of amendment.
1	2	3	4
1898	V	Code of Criminal Procedure, 1898—*contd.*	70. In section 528, in sub-section (*2*)— (*i*) for the words "District Magistrate or Sub-Divisional Magistrate" the words "or Sessions Judge" shall be substituted; (*ii*) in the marginal note to the said sub-section, for the words "District or Sub-divisional Magistrate" the words "Chief Presidency Magistrate or Sessions Judge" shall be substituted. 71. In section 559, in sub-section (*2*), for the words "the District Magistrate outside such towns," the words "outside such towns, the Sessions Judge in the case of Judicial Magistrates and the District Magistrate in the case of Executive Magistrates," shall be substituted. 72. In section 561, for the words "District Magistrate", wherever they occur, the words "a Magistrate of the first class" shall be substituted. 73. In section 562, in the proviso to sub-section (*1*), the words "or Sub-divisional Magistrate" shall be deleted. 74. In section 565, in sub-section (*1*), the words "District Magistrate, Sub-divisional Magistrate" shall be deleted. 75. In Schedule II, in column 8,— (*i*) for the words "Any Magistrate", wherever they occur, the words "Any Judicial Magistrate" shall be substituted; (*ii*) in the entry relating to section 124-A, the words "or District Magistrate" shall be deleted and after the words "in that behalf" the words "in consultation with the High Court" shall be inserted; (*iii*) in the entry relating to section 376, for the words "District Magistrate" the words "Magistrate of the first class" shall be substituted. 76. In Schedule III,— (*a*) In Part I, in item (17), for the words "District Magistrate" the words "Sessions Judge" shall be substituted.

Year.	No.	Short title.	Extent of amendment.
1	2	3	4
1898	V	Code of Criminal Procedure, 1898—*contd.*	(*b*) In Part III,— (*i*) after item (1) the following shall be inserted, namely :— (1a) Power to direct warrants to landholders, section 78 ; (*ii*) items (4), (5), (6), (6*a*), (7) and (7*b*) shall be deleted. (*c*) after Part III the following shall be inserted, namely :— " *III-A—Ordinary powers of a Taluka Magistrate.* (1) Power to arrest or direct the arrest of, and to commit to custody a person committing an offence in his presence, section 64. (2) Power to arrest, or direct the arrest, in his presence of an offender, section 65. (3) Power to endorse a warrant, or to order the removal of an accused person arrested under a warrant, sections 83, 84 and 85. (4) Power to require search to be made for letters and telegrams, section 95. (5) Power to issue search warrant, section 96. (6) Power to endorse a search warrant and order delivery of things found, section 99. (7) Power to command unlawful assembly to disperse, section 127. (8) Power to use civil force to disperse unlawful assembly, section 128. (9) Power to require military force to be used to disperse unlawful assembly, section 130. (10) Power to apply to District Magistrate to issue commission for examination of witness, section 506. (11) Power to recover penalty on forfeited bond, section 514 and to require fresh security, section 514-A. (12) Power to make order as to disposal of property, section 517. (13) Power to sell property of a suspected character, section 525."

Year.	No.	Short title.	Extent of amendment.
1	2	3	4
1898	V	Code of Criminal Procedure, 1898—*contd.*	(*d*) In Part IV,— (*i*) for item (1), the following shall be substituted, namely :— "(1) The ordinary powers of a Taluka Magistrate;" (*ii*) after item (2), the following shall be inserted, namely : "(2*a*) Power to issue search warrant otherwise than in course of an inquiry, section 98. (2*b*) Power to issue search warrant for discovery of persons wrongfully confined, section 100. (2*c*) Power to require security to keep the peace, section 107. (2*d*) Power to require security for good behaviour, section 109."; (*iii*) after item (3), the following shall be inserted, namely :— "(4) Power to discharge sureties, section 126A. (4*a*) Power to make orders as to local nuisances, section 133."; (*iv*) after item (6), the following shall be inserted, namely :— "(6*a*) Power to make orders etc. in possession cases, sections 145, 146 and 147."; (*v*) after item (8), the following shall be inserted, namely :— "(8*a*) Power to record statements and confessions during a police investigation, section 164."; (*vi*) after item (9), the following shall be inserted, namely :— "(10) Power to hold inquests, section 174."; (*vii*) items (12) to (16) (both inclusive) shall be deleted; (*viii*) item (19) shall be deleted; (*e*) in Part V, items (1*a*), (7), (8), (10), (12), (13) and (14) shall be deleted.

Year.	No.	Short title.	Extent of amendment.
1	2	3	4
1898	V	Code of Criminal Procedure, 1898—*contd.*	77. For Schedule IV, the following shall be substituted, namely :—

"SCHEDULE IV.

(*See* section 37.)

Additional powers with which Magistrates may be invested.

PART I.—BY STATE GOVERNMENT.

Powers with which a Magistrate of the First Class may be invested.

1. Power to issue process for person within local jurisdiction who has committed an offence outside the local jurisdiction, section 186 ;

2. Power to take cognisance of offences upon complaint, section 190 ;

3. Power to take cognisance of offences upon police reports, section 190 ;

4. Power to take cognisance of offences without complaint, section 190 ;

5. Power to transfer cases, section 192 ;

6. Power to try summarily, section 260 ;

7. Power to pass sentence on proceedings recorded by a Magistrate of the Second and Third Class, section 349 ;

8. Power to hear appeals from conviction by Magistrate of the Second and Third Class, section 407;

9. Power to try cases under section 124-A of the Indian Penal Code.

Powers with which a Magistrate of the Second Class may be invested.

1. Power to record statements and confessions during a police investigation, section 164 ;

2. Power to authorise detention of a person in the custody of the police during a police investigation, section 167 ;

3. Power to take cognisance of offences upon complaint, section 190 ;

4. Power to take cognisance of offences upon police reports, section 190 ;

Year 1	No. 2	Short title. 3	Extent of amendment. 4
1898	V	Code of Criminal Procedure, 1898—*concld.*	5. Power to take cognisance of offences without complaint, section 190; 6. Power to commit for trial, section 206; 7. Power to stop proceedings instituted otherwise than upon complaint, section 249; 8. Power to make order as to first offenders, section 562. *Powers with which a Magistrate of the Third Class may be invested.* 1. Power to record statement and confessions during a police investigation, section 164; 2. Power to take cognisance of offences upon complaint, section 190; 3. Power to take cognisance of offences upon police report, section 190; 4. Power to stop proceedings instituted otherwise than upon complaint, section 249. PART II.—By State Government. *Powers with which a Sub-divisional Magistrate may be invested.* 1. Power to call for records, section 435. *Powers with which any other Executive Magistrate may be invested.* 1. Power to make orders prohibiting repetitions of nuisances, section 143; 2. Power to make orders under section 144; 3. Power to make orders, etc., in possession cases, sections 145 and 147; 4. Power to record statements and confessions during a police investigation, section 164; 5. Power to hold inquests, section 174; 6. Power to sell property alleged or suspected to have been stolen, etc., section 524. By District Magistrate. *Powers with which any Executive Magistrate may be invested.* 1. Power to make orders prohibiting repetitions of nuisances, section 143; 2. Power to make orders under section 144; 3. Power to hold inquests, section 174." *Powers with which a Magistrate of the Third Class may be invested.* 1. Power to record statement and confessions during a police investigation, section 164; 2. Power to take cognisance of offences upon complaint, section 190; 3. Power to take cognisance of offences upon police report, section 190; 4. Power to stop proceedings instituted otherwise than upon complaint, section 249. PART II.—By State Government. *Powers with which a Sub-divisional Magistrate may be invested.* 1. Power to call for records, section 435. *Powers with which any other Executive Magistrate may be invested.* 1. Power to make orders prohibiting repetitions of nuisances, section 143; 2. Power to make orders under section 144; 3. Power to make orders, etc., in possession cases, sections 145 and 147; 4. Power to record statements and confessions during a police investigation, section 164; 5. Power to hold inquests, section 174; 6. Power to sell property alleged or suspected to have been stolen, etc., section 524. By District Magistrate. *Powers with which any Executive Magistrate may be invested.* 1. Power to make orders prohibiting repetitions of nuisances, section 143; 2. Power to make orders under section 144; 3. Power to hold inquests, section 174."

PART II—OTHER CENTRAL ACTS.

Year.	No.	Short title.	Extent of amendment.
1	2	3	4
[1][1871	I	The Cattle trespass Act, 1871.	(1) In section 20, for the words "the Magistrate of the District or any Magistrate authorized to receive and try charges without reference by the Magistrate of the District" the words "the Magistrate of the First Class" shall be substituted. (2) in sections 24, 26 and 27 the words "before a Magistrate" shall be deleted.]
1889	I	The Metal Tokens Act, 1889.	In section 5, in sub-section (*2*), the words "except a District Magistrate or Sub-Divisional Magistrate," shall be deleted.
1894	IX	The Prisons Act, 1894.	In section 52,— (*i*) the words "of the District Magistrate or" shall be deleted; (*ii*) in the first proviso, the words "by the District Magistrate to any Magistrate of the first class and" shall be deleted.
1897	VIII	The Reformatory Schools Act, 1897.	1. In section 8, in sub-section (*2*), for the words "by the State Government in this behalf" the words "by the State Government in this behalf in consultation with the High Court" shall be substituted. 2. In section 9, in sub-section (*1*), for the words "the District Magistrate to whom he is subordinate" the words, brackets and figures "the Magistrate specially empowered under sub-section (*2*) of section 8" shall be substituted. 3. In section 10, for the words "District Magistrate" the words, brackets and figures "Magistrate specially empowered under sub-section (*2*) of section 8" shall be substituted. 4. In section 11, in sub-section (*2*), for the words "District Magistrate" the words "Magistrate specially empowered" shall be substituted. 5. In section 31,— (*i*) in sub-section (*4*) for the words "the District Magistrate to whom such Court is subordinate" the words, brackets and figures "the Magistrate specially empowered under sub-section (*2*) of section 8" shall be substituted; (*ii*) in sub-section (*5*), the word "District" shall be deleted.
1900	III	The Prisoners Act, 1900.	In section 37, for the words "District Magistrate" the words "Sessions Judge" shall be substituted.

[1] This portion was inserted by Bom. 34 of 1953, s. 13.

Year.	No.	Short title.	Extent of amendment.
1	2	3	4
1911	X	The Prevention of Seditious Meetings Act, 1911.	In section 8, the words "or Sub-divisional Magistrate" shall be deleted.
1917	I	The Inland Steam-vessels Act, 1917.	1. In section 33, in clause (*b*) of sub-section (*1*), the words "or the Court of any District Magistrate" shall be deleted. 2. In section 35, in sub-section (*1*), the words "or the Court of the District Magistrate," shall be deleted. 3. In section 38, in clause (*b*), the words "or the Court of the District Magistrate" shall be deleted and for the words "respectively by either Court" the words "by it" shall be substituted.
1923	IX	The Indian Official Secrets Act, 1923.	In section 13, in sub-section (*1*), after the word "Government" the words "or that of a Presidency Magistrate" shall be inserted and the words "which is inferior to that of a District or Presidency Magistrate" shall be deleted.
1927	XVI	The Indian Forest Act, 1927.	In section 67, [1][for] the words "The District Magistrate or any Magistrate of the first class specially empowered in this behalf by the State Government" the words "any Magistrate of the first class specially empowered in this behalf by the State Government in consultation with the High Court," shall be substituted.

PART III—BOMBAY ACTS.

Year.	No.	Short title.	Extent of amendment.
1	2	3	4
1867	VII	The Bombay District Police Act, 1867.	In section 34, for the words "a Magistrate of the first class" the words "the District Magistrate or any magistrate specially empowered in this behalf by the State Government" shall be substituted.

[1] This word was substituted for the word "after" by Bom. 21 of 1954, s. 3, Second Schedule.

Year.	No.	Short title.	Extent of amendment.
1	2	3	4
1867	VIII	The Bombay Village Police Act, 1867.	1. In section 1, the following paragraph shall be added, namely :— "The term 'Executive Magistrate' when used in this Act has the meaning assigned to it in the Code of Criminal Procedure, 1898." V of 1898. 2. In section 6, for the words "the Magistrate", where they occur for the second time, the words "any other executive Magistrate" shall be substituted. 3. In section 8, for the words "the Magistrate" the words "the Executive Magistrate" shall be substituted. 4. In sections 9 and 9A, for the words "any Magistrate of the first class" and "Any Magistrate of the first class" the words 'the Magistrate of the District' and "The Magistrate of the District" shall, respectively, be substituted. 5. In sections 19 and 21, for the words "the Magistrate" the words "the Executive Magistrate" shall be substituted.
1889	I	The Bombay Village Sanitation Act, 1889.	In section 15, in sub-section (*1*), for the words beginning with the words "or other" and ending with the words "in this behalf" the words "or any Magistrate of the first class specially empowered in this behalf by the State Government in consultation with the High Court" shall be substituted.
1929	XVIII	The Bombay Borstal Schools Act, 1929.	1. In section 8, the words "a District Magistrate, a sub-divisional Magistrate" shall be deleted. 2. In section 9, for the words "District Magistrate", wherever they occur, the words "Magistrate of the first class" shall be substituted.
1933	VI	The Bombay Village Panchayats Act, 1933.	1. In section 77,— (*i*) in sub-section (*1*), for the words, "District Magistrate" the words "Sessions Court" shall be substituted ; (*ii*) in sub-section (*2*),— (*a*) for the words "District Court or District Magistrate" the words "District or Sessions Court" shall be substituted ; (*b*) the words "or Magistrate" shall be deleted ;

Year. 1	No. 2	Short title. 3	Extent of amendment. 4
1933	VI	The Bombay Village Panchayats Act, 1933 —*contd.*	(*iii*) in sub-section (*3*),— (*a*) for the words "District Court or District Magistrate" the words "District or Sessions Court" shall be substituted ; (*b*) the words "or Magistrate" shall be deleted ; (*iv*) in the marginal note to the said section, for the words "District Magistrate" the words "Sessions Court" shall be substituted. 2. In sections 78, 79, 87, [1][and] 87A [2]* * and in the marginal notes to sections 87, 87A and 87B, for the words "District Magistrate" wherever they occur, the words "Sessions Court" shall be substituted.
1938	XIX	The Bombay Probation of Offenders Act, 1938.	In section 3, in sub-section (*1*), clauses (*c*) and (*d*) shall be deleted.
1947	LI	The Bombay Habitual Offenders Restriction Act, 1947.	In section 13,— (*i*) in clause (*i*), for the words "by a Magistrate" the words "by an Executive Magistrate" shall be substituted ; (*ii*) in clause (*ii*), after the words "made by" the words "a Judicial Magistrate or" shall be inserted.
1948	LXXI	The Bombay Children Act, 1948.	1. In section 8, clauses (*c*) and (*d*) shall be deleted. 2. In section 41, for the words "District Magistrate or Sub-Divisional Magistrate" the words "Sessions Judge" shall be substituted. 3. In section 80,— (*i*) for the words beginning with the words "the court shall submit" and ending with the words "it is subordinate" the words and figure "the Court if it is not competent to exercise the powers of a juvenile court under section 8 shall submit the proceedings and forward the child to the salaried First Class Magistrate" shall be substituted ; (*ii*) in the marginal note to the said section, for the words "District Magistrate" the words "First Class Magistrate" shall be substituted. 4. In section 94, in sub-section (*2*), clause (*a*), for the words "District Magistrate" the words "Court of Session" shall be substituted.

[1] This word was inserted by Bom. 39 of 1951, s. 3, Second Schedule.
[2] The word, figures and letter " and 87B " were deleted, *ibid.*

THE BOMBAY WILD ANIMALS AND WILD BIRDS PROTECTION ACT, 1951.

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BOMBAY ACT No. XXIV OF 1951.[1]

[THE BOMBAY WILD ANIMALS AND WILD BIRDS PROTECTION ACT, 1951.]

[*24th July 1951*]

An Act to make adequate provision for the protection of wild animals and birds in the State of Bombay.

WHEREAS it is expedient to make better and adequate provision for the preservation and protection of wild animals and wild birds in the State of Bombay and for certain other matters hereinafter appearing ; It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

Short title, extent and commencement.

1. (*1*) This Act may be called the Bombay Wild Animals and Wild Birds Protection Act, 1951.

(*2*) It extends to the whole of the State of Bombay.

(*3*) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*a*) 'Animal or Bird' includes the young ones of the animal or bird, as the case may be ;

(*b*) 'Big Game' means any animal specified in Schedule III or IV ;

(*c*) 'Game' means any animal or bird specified in Schedule II, III or IV ;

(*d*) 'Game Officer' means any officer, warden or servant appointed or authorized for any of the purposes of this Act ;

(*e*) 'Hunt' means to hunt, kill or capture any animal or bird by any method and includes every attempt to kill or capture it or to take or destroy any part of its body or eggs or nest or to disturb its eggs or nest ;

(*f*) 'Licence' means a licence granted under this Act ;

(*g*) 'Meat' includes fat, blood, flesh and bones ;

(*h*) 'Permit' means a permit granted under this Act ;

(*i*) 'Prescribed' means prescribed by rules ;

(*j*) 'Rules' means rules made under section 48 ;

(*k*) 'Schedule' means a Schedule appended to this Act ;

(*l*) 'Small Game' means any animal or bird specified in Schedule II ;

(*m*) 'Trophy' means the durable part of an animal or a bird which has been preserved by any means, whether natural or artificial, and includes the head or horn, tooth, tusk, bone, claw, hoof, skin, hair, feather, eggs or nest of any bird, but does not include any article manufactured from any such part of the animal or bird as aforesaid ;

(*n*) 'Vermin' means any animal or bird specified in Schedule I and includes any animal or bird declared to be a vermin under section 18.

Domesticated and other animals and birds in captivity exempted.

3. Nothing in this Act shall apply to domesticated or other animals or birds which are lawfully captured and kept in captivity.

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1951. Part V, page 14.

CHAPTER II.

AUTHORITIES TO BE APPOINTED OR CONSTITUTED UNDER THE ACT.

Appointment of Wild Life Preservation Officer, Game Wardens and other Game Officers.

4. (*1*) The State Government may for the purposes of this Act appoint,—

(*a*) the Wild Life Preservation Officer for the State of Bombay ;

(*b*) the Game Wardens, either honorary or stipendiary ;

(*c*) such other officers and servants as may be necessary.

(*2*) The honorary Game Warden shall ordinarily hold office for a period of three years :

Provided that the State Government may terminate his tenure of office at any time without assigning any reason.

(*3*) The Game Wardens and other officers and servants appointed under this section shall be subordinate to the Wild Life Preservation Officer.

Delegation of powers by Wild Life Preservation Officer.

5. The Wild Life Preservation Officer may, with the approval of the State Government, by order in writing delegate any of his powers and duties under any of the provisions of this Act to any officer subordinate to him, subject to such conditions, if any, as may be specified in the order.

Constitution of State Wild Life Advisory Board.

6. (*1*) As soon as possible after the coming into force of this Act, the State Government shall constitute an advisory board hereinafter called " the State Wild Life Advisory Board " consisting of the following *ex-officio* and other members nominated by the State Government, namely :—

(*a*) The Chief Secretary to the Government of Bombay as the Chairman ;

(*b*) One representative of the Bombay Legislative Assembly ;

(*c*) One representative of the Bombay Legislative Council ;

(*d*) Two non-officials who in the opinion of the State Government are interested in the protection of wild animals and birds ;

(*e*) One representative of the Bombay Natural History Society ;

(*f*) Four other officials of Government.

(*2*) The Wild Life Preservation Officer shall be the Secretary of the Board.

(*3*) The members shall ordinarily hold office on such terms as to tenure and vacation of office as the State Government may determine :

Provided that the tenure of office of any member may be terminated by the State Government at any time without assigning any reasons.

(*4*) The members shall be entitled to receive such allowances in respect of expenses properly incurred in the performance of their duties as the State Government may determine :

Provided that the receipt of such allowances by the representative of the Bombay Legislative Assembly or the Bombay Legislative Council shall not be deemed to make such representative as the holder of an office of profit under the State Government.

Duties of State Wild Life Advisory Board.

7. It shall be the duty of the State Wild Life Advisory Board to advise the State Government—

(*1*) in the selection of areas to be declared as Game Sanctuaries ;

(*2*) in formulating the policy in granting licences and permits under this Act and administration of Game Sanctuaries ;

(*3*) in the matter of framing rules under section 48 ; and

(*4*) on any other matter connected with the preservation and protection of animals and birds which may be referred to it by the State Government.

Procedure of State Wild Life Advisory Board.

8. (*1*) The State Wild Life Advisory Board shall meet at least once a year at Bombay or such other place as the State Government may direct.

(*2*) The procedure (including the quorum) of the Board shall be such as the Board may, by by-laws made in this behalf, determine.

CHAPTER III.

Hunting of Animals and Birds.

A.—Licences.

Hunting of wild animals and birds without licence prohibited.

9. No person shall hunt any wild animal or wild bird except under a licence granted under the provisions of this Act and in accordance with the conditions specified in such licence :

Provided that no such licence shall be necessary to hunt any vermin.

Registration of certain persons in possession of arms.

10. Any person who holds a licence granted under the Indian Arms Act, 1878, for the possession of arms for sport or protection or who is exempt from the provisions of that Act and possesses any arms, shall register his name and address with the Wild Life Preservation Officer or any other Officer authorized by the State Government in this behalf. Such registration shall be made on application made in the prescribed form and on payment of such fee as may be prescribed.

XI of 1878.

Procedure for licence.

11. (*1*) Any person desiring to obtain a game licence shall apply to the Wild Life Preservation Officer or any other Officer authorized by the State Government in this behalf in the prescribed form. Such application shall be accompanied by such fee for the licence as may be prescribed.

(*2*) The application may be made for any or all of the following kinds of game licences, namely :—

(*a*) Small Game Licence,
(*b*) Big Game Licence,
(*c*) Special Big Game Licence,
(*d*) Pet Animals (Possession) Licence,
(*e*) Pet and other Animals (Trapping) Licence.

(*3*) On receipt of an application and after making such inquiry as he may deem necessary the Wild Life Preservation Officer or the authorized Officer may, subject to any general or special orders of the State Government, grant or refuse to grant the game licence without assigning any reasons. When a game licence is refused the fee paid therefor shall be refunded to the applicant.

(*4*) Every game licence granted under this section shall ordinarily be valid for such period as may be prescribed.

(*5*) Any person aggrieved by the refusal of a licence may within fifteen days appeal to the State Government, whose decision shall be final.

Record of game hunted to be kept and submitted.

12. (*1*) The holder of every game licence of the kind specified in clause (*b*), (*c*) or (*e*) of sub-section (*2*) of section 11, shall keep a record containing such particulars as may be prescribed of all game killed or captured by him during the currency of his licence.

(*2*) When any game is killed or captured by the holder of such licence, he shall not later than fifteen days of the killing or capture of the game or before leaving the State of Bombay, whichever is earlier, intimate in writing to the Wild Life Preservation Officer or to any other Officer authorised by the State Government in this behalf, the prescribed particulars of the animal or bird killed or captured by him.

(*3*) Not later than fifteen days after the expiry of his licence, the holder shall surrender his licence to the Wild Life Preservation Officer or the authorized Officer and shall sign a declaration in the prescribed form certifying the accuracy of the record of the game killed or captured by him.

Issue of licence for special purposes.

13. Notwithstanding anything contained in this Act, it shall be lawful for the Wild Life Preservation Officer, upon such conditions as he may deem fit to impose, to grant a licence to any person with or without payment of fee, which shall entitle the holder to hunt animals and birds specified thereon for any of the following purposes, namely :—

(*i*) Scientific research ;

(*ii*) Collection of specimens for zoological gardens, museums and similar institutions ; and

(*iii*) Killing of such animals and birds as are a source of serious menace to human life or property.

Suspension or cancellation of licence.

14. (*1*) The Wild Life Preservation Officer or any other Officer authorized by the State Government in this behalf may, subject to any general or special orders of the State Government, without giving any previous notice and without assigning any reasons, suspend or cancel any licence granted under this Chapter.

(*2*) Any person aggrieved by the suspension or cancellation of a licence under sub-section (*1*) may within fifteen days appeal to the State Government, whose decision shall be final.

B.—General.

Hunting of young and female with young prohibited.

15. (*1*) Except when authorized under a specified condition to that effect in a licence, no person shall hunt the young of any game or any female game accompanied by its young or any deer with horns in velvet.

(*2*) Nothing contained in sub-section (*1*) shall apply to the hunting of a vermin.

Close time.

16. The State Government may, by notification in the *Official Gazette*, declare the whole year or any part thereof to be a close time throughout the whole or any part of the State of Bombay for any kind of wild animal or bird or for female or immature wild animal or bird of such kind.

Unlawful methods of hunting.

17. (*1*) No person shall hunt any game from or by means of a wheeled or a mechanically propelled vehicle on water or land or by air-craft.

(*2*) No person shall use a motor car, motor launch or air-craft, for the purpose of killing, driving or stampeding game.

(*3*) No person shall hunt any game with nets, snares, pit-falls, poison or poison-weapons, except in defence of human life or property, and except in so far as it relates to capture of animals and birds under a licence of the kind specified in clause (*e*) of sub-section (*2*) of section 11.

(*4*) No person shall for the purpose of hunting set fire to any vegetation.

(*5*) No person shall use any artificial light for the purpose of hunting, except in the case of carnivora, over a natural kill.

(*6*) No person shall hunt any game during the hours of night, *i.e.*, one hour after sun-set and one hour before sun-rise except in the case of carnivora, by sitting on a natural kill.

(*7*) No person shall hunt any game on a salt-lick or water hole or other drinking places or on paths and approaches to the same except sand-grouse and water birds.

(*8*) No person shall hunt any game on any land of private ownership, without the consent of the owner or his agent or the lawful occupier of such land.

(*9*) No person shall, notwithstanding that he holds a game licence for the purpose, hunt any game animal during the close time.

Declaration of certain animals and birds as vermins.

18. The State Government may, by notification in the *Official Gazette*, declare any wild animal or wild bird other than those specified in Schedule I, to be a vermin in any specified area, and it shall not be necessary to hold a licence to hunt any such animal or bird in such area.

CHAPTER IV.

Game Sanctuaries.

Power to declare any area to be Game Sanctuary.

19. The State Government may, by notification in the *Official Gazette*, declare any area to be a Game Sanctuary, in the manner hereafter appearing.

Notification regarding declaration of Game Sanctuary.

20. Whenever it has been decided to declare any area to be a Game Sanctuary, the State Government shall issue a notification in the *Official Gazette*,—

(*1*) stating that it has been decided to declare such area to be a Game Sanctuary ;

(*2*) specifying as nearly as possible the situation and limits of such area, and

(*3*) directing the Collector to inquire into and determine the existence, nature and extent of any rights alleged to exist in favour of any person in or over the land comprised within the limits of such area and deal with the same as provided in this Act.

Explanation.—For the purpose of this section, it shall be sufficient to describe the area by roads, rivers, ridges or other well-known or readily intelligible boundaries.

Bar of accrual of any rights in land comprised in Game Sanctuary.

21. After the issue of a notification under section 20, no right shall be acquired in or over the land comprised in such notification, except by succession.

Proclamation by Collector.

22. When a notification has been issued under section 20, the Collector shall publish in the regional language in every town and village in the neighbourhood of the area comprised therein, a proclamation—

(*a*) specifying, as nearly as possible, the situation and the limits of the proposed Game Sanctuary ;

(*b*) fixing a period of not less than two months from the date of such proclamation, and requiring any person claiming any right mentioned in section 20 or section 21 within such period either to present to the Collector a written notice specifying or to appear before him and state, the nature of such right and the amount and particulars of the compensation (if any) claimed in respect thereof.

Inquiry by Collector.

23. The Collector shall take down in writing all statements made under section 22 and shall at some convenient place inquire into all claims duly preferred under that section and the existence of any rights mentioned in section 20 or 21 and not claimed under section 22 so far as the same may be ascertainable from the records of Government and the evidence of any persons likely to be acquainted with the same.

Extinction of rights.

24. Rights in respect of which no claim has been preferred under section 22 and of the existence of which no knowledge has been acquired by inquiry under section 23, shall be extinguished.

Power to acquire land over which right is claimed.

25. In the case of a claim to a right in or over any land, other than a right of public way or right of common pasture, the Collector shall either,—

(*a*) exclude such land from the limits of the proposed Game Sanctuary, or

(*b*) come to an agreement with the owner thereof for the surrender of his rights, or

(*c*) proceed to acquire such land in the manner provided by the Land Acquisition Act, 1894. I of 1894.

Acquisition Proceedings.

26. For the purpose of acquiring such land,—

(*1*) the Collector shall be deemed to be a Collector proceeding under the Land Acquisition Act, 1894 ; I of 1894.

(*2*) the claimant shall be deemed to be a person interested and appearing before him in pursuance of a notice given under section 9 of that Act ;

(*3*) the provisions of the preceding sections of that Act shall be deemed to have been complied with ;

(*4*) the Collector with the consent of the claimant, or the Court, with the consent of both the parties, may award compensation in land or partly in land and partly in money ; and

(*5*) in the case of the stoppage of a public way or a common pasture, the Collector may, with the previous sanction of the State Government, provide for a substitute public way or common pasture, as far as may be practicable or convenient.

Power of Collector to be exercised by other officers.

27. The State Government may, by general or special order, direct that the powers exercisable or the functions to be performed by the Collector under sections 20 to 26 (both inclusive) may be exercised and performed by such officer as may be specified in the order.

Restriction on entry in Game Sanctuary.

28. No person, other than,—

(*a*) any public servant on duty ;

(*b*) any person who ordinarily resides within the limits of a sanctuary ;

(*c*) any person who has any rights over immovable property within the limits of a sanctuary ;

(*d*) any person passing through a sanctuary along a public highway ;

(*e*) the dependents and servants of the above persons ;

shall enter or reside in a Game Sanctuary, except under a permit and in accordance with the conditions of the permit granted under section 29.

Permit to enter or reside in a Game Sanctuary.

29. (*1*) The Wild Life Preservation Officer may issue to any person on application a permit to enter or reside in a Game Sanctuary for any of the following purposes, namely :—

(*a*) Investigation or study of wild life and purposes incidental thereto ;
(*b*) Photography ;
(*c*) Scientific research ;
(*d*) To transact lawful business with any person residing in the sanctuary.

(*2*) A permit to enter or reside in the sanctuary shall be issued, subject to such conditions as the Wild Life Preservation Officer may deem fit to impose or as may be prescribed and such conditions shall be endorsed on the permit.

Hunting in Game Sanctuary without permit prohibited.

30. (*1*) No person shall hunt any animal or bird in a Game Sanctuary, provided that the Wild Life Preservation Officer may in any special case where he is satisfied that it is necessary that animals or birds should be hunted for the better preservation of other animal life, or for other good and sufficient reason, issue a permit authorising any person, to hunt such animals or birds under the direction of an officer authorised by him.

(*2*) A permit issued under sub-section (*1*) shall specify the number and kind o animal or bird that may be hunted by the holder of such permit.

Refusal or cancellation of permit.

31. (*1*) The Wild Life Preservation Officer may, for good and sufficient reason, refuse to issue any permit or may cancel any permit granted under this Chapter.

(*2*) Any person aggrieved by the refusal or cancellation of a permit under sub-section (*1*) may within fifteen days appeal to the State Government, whose decision shall be final.

Causing fire prohibited.

32. No person shall set fire to a Game Sanctuary or kindle or leave any fire burning in such manner as to endanger such sanctuary.

CHAPTER V.

Trophies and Pet Animals and Birds.

Dealings in trophy and pets without licence prohibited.

33. No person shall carry on the business of a trophy dealer or dealer in pets, except under and in accordance with the trophy dealer's licence or pets dealer's licence granted under the provisions of this Chapter.

Trophy and pets dealer's licences.

34. A trophy dealer's or pet and other animal dealer's licence may be issued by the Wild Life Preservation Officer or by any other Officer authorized by the State Government in this behalf on application and payment of such fees as may be prescribed, and shall entitle the holder to carry on the business of a trophy dealer or dealer in pets upon the premises and conditions specified in the licence. Every such

licence shall be valid for one year from the date of issue, unless duly suspended or cancelled before that period.

Records and returns to be made by trophy and pets dealers.

35. A trophy dealer or dealer in pets shall keep such records and submit such returns of his dealings to the Wild Life Preservation Officer as may be prescribed.

Certificate of ownership.

36. The Wild Life Preservation Officer may for the purposes of section 37 issue a certificate of ownership to any person who in his opinion is in lawful possession of a trophy.

Export and sale of trophies regulated.

37. No person shall export or transfer by gift, sale or otherwise, to any person any trophy unless he is in possession of a certificate of ownership therefor and such certificate shall be delivered or sent by post to the transferee at the time of export or transfer

Explanation.—For the purposes of this section, "export" means to take out of the State of Bombay otherwise than across a customs frontier.

Government trophies.

38. Any game found dead or killed without a licence in defence of life or property or by mistake or any game or trophy in respect of which a breach of the provisions of this Act has been committed, shall be a Government trophy and the property of the State Government.

Possession of Government trophy to be reported.

39. Any person who by any means obtains possession of a Government trophy shall within 48 hours make a report thereof to the nearest Game, Police or Forest Officer and shall, if so required, hand over the trophy to him.

Unlawful possession and dealings in Government trophies.

40. (*1*) No person shall without the permission of any of the Officers referred to in section 39 keep in his possession any Government trophy or without the permission of the Wild Life Preservation Officer or any other Officer authorized by the State Government in this behalf transfer, by gift, sale or otherwise, any Government trophy to any person.

(*2*) In any prosecution for contravention of the provisions of sub-section (*1*), it shall, until the contrary is proved and the burden of proving which shall lie on the accused, be presumed that the person in whose possession the Government trophy was found was in unlawful possession thereof.

Production of ivory or horn before Wild Life Preservation Officer.

41. Every person who kills an elephant or a bison shall produce its ivory or horn before the Wild Life Preservation Officer or any other Officer authorized by the State Government in this behalf within one month of the killing thereof, or within such further time as may be allowed by him in any special case, together with the game licence under which it was killed.

Registration of ivory or horn and identification marks.

42. The officer to whom the ivory or horn is produced under the provisions of section 41, if satisfied, after such inquiry as he may consider necessary, that the ivory or horn has been lawfully obtained, shall cause it to be weighed, marked and registered in the prescribed manner and shall return it to the person producing it together with a certificate of ownership in the prescribed form.

No ivory or horn to be transferred without a certificate of ownership.

43. No person shall in any manner transfer any such ivory or horn without the certificate of ownership obtained from the Wild Life Preservation Officer or the authorized Officer, as the case may be.

CHAPTER VI.

PREVENTION AND DETECTION OF OFFENCES AND PENALTIES.

Powers of entry, search, arrest and detention.

44. (*1*) The Wild Life Preservation Officer or any other Game Officer empowered by him or any Forest or Police Officer may, if he has reasonable grounds for believing that any person has committed an offence against this Act,—

(*a*) require any such person to produce for his inspection any animal, bird, meat or trophy in his possession or any licence, permit or other document issued to him or required to be kept by him under the provisions of this Act;

(*b*) enter and search any premises, land, vehicle or boat, in the occupation of such person and open and search any baggage or other things in his possession;

(*c*) seize any animal, bird, meat or trophy in the possession of any person and appearing to him to be the property of the State Government, and unless he is satisfied that such person will appear and answer any charge which may be preferred against him, without warrant arrest and detain him.

(*2*) It shall be lawful for any of the Officers referred to in sub-section (*1*) to stop and detain any person whom he sees doing any act for which a licence or permit is required under the provisions of this Act for the purposes of requiring such person to produce his licence or permit and if such person fails to produce his licence or permit, as the case may be, he may be arrested without a warrant, unless he furnishes his name and address and otherwise satisfies the officer arresting him that he will duly answer any summons or other proceedings which may be taken against him.

(*3*) Any person detained, or things seized under the foregoing powers, shall forthwith be taken before a Magistrate to be dealt with according to law.

(*4*) Any person who, without reasonable cause, fails to produce anything which under the powers conferred by this section he is required to produce, shall be guilty of an offence against this Act.

Penalties.

45. (*1*) Any person who contravenes any of the provisions of this Act or of any rules made thereunder or who commits a breach of any of the conditions of any licence or permit shall be guilty of an offence against this Act, and shall, on conviction, be punished with imprisonment which may extend to six months or with fine which may extend to Rs. 500 or with both

(*2*) When any person is convicted of an offence against this Act, the Court trying the offence may order that any animal, bird, meat or trophy in respect of which the offence has been committed and any weapon or trap with which the offence has been committed shall be at the disposal of the State Government, and that any licence or permit held by such person under the provisions of this Act, be cancelled.

(*3*) Such cancellation of licence or permit shall be in addition to any other punishment awarded for such offence.

When Court to take cognizance of offence.

46. No Court shall take cognizance of any offence against this Act,—

(*1*) except on the complaint or report of the Wild Life Preservation Officer or any Officer authorised by him or of any Forest or Police Officer or of any other Officer authorized by the State Government in this behalf; and

(*2*) unless the prosecution is instituted within three months from the date on which the offence is alleged to have been committed.

Operation of other laws not barred.

47. Nothing in this Act shall be deemed to prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence under this Act or from being liable under such other law to any higher punishment or penalty than that provided by this Act :

Provided that no person shall be punished twice for the same offence.

CHAPTER VII.

MISCELLANEOUS.

Power to make rules.

48. (*1*) The State Government may make rules for carrying out the purposes of this Act.

(*2*) In particular and without prejudice to the generality of the foregoing power, such rules may be made for all or any of the following matters, namely :—

(*a*) the forms to be used for any application, licence, permit, registration, declaration, certificate, return or other documents, granted, issued, made or submitted under the provisions of this Act and the fees, if any, therefor ;

(*b*) the conditions subject to which any licence or permit may be granted under this Act;

(*c*) the particulars of the record of game killed or captured to be kept and submitted by any licensee ;

(*d*) controlling settlements in game sanctuaries with a view to preventing disturbance to the natural fauna ;

(*e*) regulating the sale of pet and other animals and trophy derived from the wild animals and birds ;

(*f*) manner of registration of ivory or horn of elephant or bison brought for such registration :

(*g*) any other matter for which in the opinion of the State Government provision is expedient or necessary to carry out the object of this Act.

(*3*) The power to make rules under this section shall be exercised subject to the condition of previous publication.

(*4*) The rules made under this section shall be published in the *Official Gazette* and on such publication shall have effect as if enacted in this Act.

Power to amend Schedules.

49. For the purpose of preserving or protecting the rare species of wild animals and wild birds, protecting such animals and birds during the breeding season and for any similar purpose, the State Government may, by notification in the *Official Gazette*, add to or alter any of the Schedules and any such addition or alteration shall have effect as if it had been made by this Act.

Defence of life and property.

50. Subject to the provisions of sections 38 to 40 (both inclusive), nothing in this Act shall prohibit,—

(*1*) the killing or capturing of any wild animal or wild bird by the occupier of any land in defence of the standing crop or cattle on the land ;

(*2*) the killing or capturing in good faith of any wild animal or wild bird in defence of himself or of any other person :

Provided that nothing in this section shall exonerate any person who, when such defence became necessary, was hunting any game or committing any contravention of this Act.

Game Officers to be public servants.

51. All Game Officers and other Officers exercising any of the powers conferred by this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code. XLV of 1860.

Protection to persons acting in good faith.

52. No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Act.

Power to exempt.

53. The State Government may, by notification in the *Official Gazette*, exempt any person by name or in virtue of his office or any class of persons from all or any of the provisions of this Act.

Repeal.

54. The Wild Birds and Animals Protection Act, 1912, in its application to the State of Bombay, is hereby repealed : VIII of 1912.

Provided that any licence granted under the said Act and in force on the date of commencement of this Act shall continue to be in force and be deemed to have been granted under section 13 of this Act.

Schedule I.

(Vermin).

Mongooses.	Jackals.
Civet cats.	Monkeys.
Wild cats (excluding tigers, lions, panthers and cheetahs).	Bats.
Wild dogs.	Crows.
Wild pigs.	Birds of prey (excluding vultures).
Rodents (except hares, giant squirrels and flying squirrels).	Parakeets.

Schedule II.

(Small Game).

Spot-bill ducks.
Nuktas.
Whistling teals, large and small.
Cotton teals.
Pink-headed ducks.
Great Indian bustards.
Ducks, geese and swans (all kinds other than those specified above).
Water-birds (excluding storks, egrets and herons).
Bustards (excluding Great Indian bustards).
Sand-grouses (of all species).
Spur-fowls.
Jungle-fowls.
Partridges, grey and painted.
Quails (all species).
Pigeons and doves (all species).
Hares (all species).
Nilgais.
Black bucks (males only with horns over 12 ″).
Chinkaras (males only).
Four-horned antelopes.
Barking deer.
Hyænas.
Wolves.

Schedule III.

(Big Game).

Sambars (males only with hard horns over 30″).
Cheetals (males only with hard horns over 20″).
Panthers.
Tigers.
Sloth bears.
Cheetahs.

Schedule IV.

(Special Big Game).

Elephants (with at least one tusk of 18 ″ or longer outside the socket).
Bison (if horn measurements reach at least one of the following limits, (*a*) a span of 33 inches between the outer edges of the horns at their widest spread, (*b*) a girth of 18 ″ at the base of the horn).
Lions.

THE BOMBAY LEGISLATURE MEMBERS (REMOVAL OF DISQUALIFICATIONS) ACT, 1951.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.
2. Removal of certain disqualifications.
3. Repeal.
4. Act to come into force on 26th January 1950.

SCHEDULE.

BOMBAY ACT No. XXV OF 1951.[1]

[THE BOMBAY LEGISLATURE MEMBERS (REMOVAL OF DISQUALIFICATIONS) ACT, 1951.]

[*20th September 1951*]

Amended by Bom. 15 of 1953.
" " " 21 of 1954.
" " " 40 of 1954.

An Act to provide for the removal of certain disqualifications for being chosen as, and for being, a member of the Bombay Legislative Assembly and the Bombay Legislative Council.

WHEREAS by the Constitution of India, provision has been made for declaring by Act of the State Legislature any office of profit under the Government of India or the Government of any State specified in the First Schedule to the said Constitution not to disqualify its holder for being chosen as, and for being, a member of a State Legislature ; And whereas it is expedient to make such declaration : It is hereby enacted as follows :—

1. This Act may be called the Bombay Legislature Members (Removal of Disqualifications) Act, 1951. Short title.

2. A person shall not be disqualified for being chosen as or for being a member of the Bombay Legislative Assembly or the Bombay Legislative Council merely by reason of the fact that he holds any of the offices specified in the Schedule appended hereto. Removal of certain disqualifications.

Bom. I of 1937. 3. The Bombay Legislature Members (Removal of Disqualifications) Act, 1937, is hereby repealed. Repeal.

4. The provisions of this Act shall be deemed to have come into force on the 26th day of January 1950. Act to come into force on 26th January 1950.

SCHEDULE.

1. The office of the Parliamentary Secretaries to the Ministers of the Government of Bombay.

2. The office of part-time professors or lecturers in a Government college.

3. Any office in the National Cadet Corps or the Territorial Army.

4. The office of the Secretaries of the [2][District Development Boards constituted by the State Government (by whatever name called)] :

Provided that the holders of such office do not hold any other office of profit under the State Government.

[3][5. The office of an Honorary Medical Officer or Honorary Assistant Medical Officer in a hospital under Government management.]

[4][5A. The office of the Chairman or member of the Bombay Labour Welfare Board constituted under the Bombay Labour Welfare Fund Act, 1953.]

Bom. XL of 1953.

6. The office of the Chairman or member of any committee or body appointed by the Central or a State Government :

Provided that the Chairman or any member of such committee or body does not receive any remuneration other than the compensatory allowance.

Explanation.—For the purposes of this entry, " compensatory allowance " shall mean the travelling allowance, the daily allowance or such other allowance which is paid to the holder of the office for the purpose of reimbursing the personal expenditure incurred by him in attending the meeting of the committee or body or performing any other functions as the holder of the said office.]

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[1] For Statement of Objects and Reasons *see Bombay Government Gazette*, 1951, Part V, page 259.

[2] These words were substituted for the original by Bom. 21 of 1954, s. 3, Second Sch.

[3] Entries 5 and 6 were added by Bom. 15 of 1953, s. 2. This amendment shall be deemed to have come into force with effect from the 26th day of January 1950 (*vide* s. 3 of Bom. 15 of 1953).

[4] Entry 5A was inserted by Bom. 40 of 1954, s. 2. This amendment shall be deemed to have been made and to have come into force on and from 1st day of July 1953 (*vide* s. 4 of Bom. 40 of 1954).

THE BOMBAY (SECOND SUPPLEMENTARY) APPROPRIATION ACT, 1951.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.
2. Issue of Rs. 53,25,27,755 out of the Consolidated Fund of the State of Bombay for the year 1951-52.
3. Appropriation.

SCHEDULE.

BOMBAY ACT No. XXXV OF 1951.[1]

[THE BOMBAY (SECOND SUPPLEMENTARY) APPROPRIATION ACT, 1951.]

[*17th October 1951*]

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Bombay to the service of the year ending on the thirty-first day of March 1952.

WHEREAS by virtue of Article 204 of the Constitution of India, read with Article 205 thereof, it is necessary to provide for the passing of an Appropriation Act for the appropriation of further sums from and out of the Consolidated Fund of the State of Bombay to the service of the year ending on the thirty-first day of March 1952, and for the purpose of authorising payment of the said sums ; It is hereby enacted as follows :—

1. This Act may be called the Bombay (Second Supplementary) Appropriation Act, 1951. Short title.

2. From and out of the Consolidated Fund of the State of Bombay, there shall be paid and applied sums not exceeding those specified in column 4 of the Schedule hereto annexed amounting in the aggregate to the sum of Rupees 53,25,27,755 towards defraying the several charges which will come in course of payment during the year ending on the thirty-first day of March 1952, in respect of the services and purposes specified in column 2 of the Schedule. Issue of Rs. 53,25,27,755 out of the Consolidated Fund of the State of Bombay for the year 1951-52.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Bombay by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thirty-first day of March 1952. Appropriation.

SCHEDULE.

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3	4		
			Rs.	Rs.	Rs.
1	Land Revenue ..	7—Land Revenue ..	21,94,453	*25,841*	22,20,294
2	State Excise ..	8 - State Excise ..	10	....	10
3	Forest ..	10—Forest ..	1,20,570	....	1,20,570
4	Other Taxes and Duties.	13—Other Taxes and Duties.	58,900	....	58,900

[1] For Statement of Objects and Reasons *see Bombay Government Gazette*, 1951, Part V, page 361.

SCHEDULE--*contd.*

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3		4	
			Rs.	Rs.	Rs.
5	Irrigation (including working expenses).	XVII—*Deduct*—Working expenses, "18—Other revenue expenditure financed from ordinary revenues" and "19—Construction of Irrigation, Navigation, Embankment and Drainage Works."	6,30,751	*1,494*	6,32,245
6	Interest on Debt and other Obligations.	22—Interest on Debt and other Obligations.	....	*6,27,500*	6,27,500
7	Appropriation for Reduction or Avoidance of Debt.	23—Appropriation for Reduction or Avoidance of Debt.	....	*1,77,100*	1,77,100
8	General Administration.	25—General Administration.	25,46,902	....	25,46,902
9	Administration of Justice.	27—Administration of Justice.	51,254	....	51,254
10	Jails and Convict Settlements.	28—Jails and Convict Settlements.	37,850	....	37,850
11	Police ..	29—Police ..	3,83,828	....	3,83,828
12	Dangs District ..	33-A—Dangs District.	3,05,449	....	3,05,449
13	Scientific Departments.	36—Scientific Departments.	1,30,725	....	1,30,725
14	Education ..	37—Education ..	13,29,250	....	13,29,250
15	Medical ..	38—Medical ..	13,28,384	....	13,28,384
16	Public Health ..	39—Public Health ..	10,46,647	....	10,46,647
17	Agriculture ..	40—Agriculture ..	24,62,879	....	24,62,879
18	Veterinary ..	41—Veterinary ..	10,000	....	10,000
19	Co-operation ..	42—Co-operation ..	4,18,812	....	4,18,812
20	Industries ..	43—Industries ..	2,55,274	....	2,55,274

SCHEDULE—*contd.*

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3	4		
			Rs.	Rs.	Rs.
21	Capital outlay on Industrial Development.	43-A—Capital outlay on Industrial Development.	1,54,000	....	1,54,000
22	Miscellaneous Departments (except Labour).	47—Miscellaneous Departments.	18,29,131	....	18,29,131
23	Labour ..	Do. ..	10,848	....	10,848
24	Civil Works . .	50—Civil Works ..	33,95,774	*1,02,190*	34,97,964
25	Famine ..	54—Famine ..	22,58,628	....	22,58,628
26	Miscellaneous ..	57—Miscellaneous ..	21,34,665	....	21,34,665
27	Extraordinary Charges.	63 — Extraordinary Charges.	3,245	....	3,245
		Total expenditure on Revenue Account (including Revenue Expenditure and Capital Expenditure within Revenue Account).	2,30,98,229	*9,34,125*	2,40,32,354
28	Irrigation ..	68—Construction of Irrigation, Navigation, Embankment and Drainage Works.	10	....	10
29	Industrial Development.	72—Capital Outlay on Industrial Development.	10	....	10
30	Bombay Development Scheme.	80—Bombay Development Scheme.	3,780	....	3,780
31	Civil Works ..	81—Capital Account of Civil Works outside the Revenue Account.	61,81,024	....	61,81,024

SCHEDULE—*concld.*

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3	4		
			Rs.	Rs.	Rs.
32	Electricity Schemes ..	81-A—Capital Outlay on Electricity Schemes.	....	*31,232*	31,232
33	Housing for displaced persons and Milk Scheme.	82—Capital Account of other State Works outside the Revenue Account.	24,70,010	....	24,70,010
34	State Scheme connected with State Trading.	85-A—Capital Outlay on State Schemes of State Trading.	48,89,28,520	*7,15,000*	48,96,43,520
		Total Capital expenditure outside the Revenue Account.	49,75,83,354	*7,46,232*	49,83,29,586
35	Permanent Debt ..	Permanent Debt ..	....	*73,305*	73,305
36	Loans and Advances by State Government.	Loans and Advances by State Government.	99,15,410	....	99,15,410
37	Loans from the Central Government.	Loans from the Central Government.	....	*1,77,100*	1,77,100
		Total Disbursements under Debt Heads.	99,15,410	*2,50,405*	1,01,65,815
		Grand Total ..	53,05,96,993	*19,30,762*	53,25,27,755

THE BOMBAY STATE RESERVE POLICE FORCE ACT, 1951.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title, extent, commencement and application.
2. Definitions.
3. Constitution of the State Reserve Police Force.
4. Superintendence, control and administration of force.
5. Appointment of Commandant and Assistant Commandants.
5A. Appointment of Battalion Commanders and Commanders of Head Quarters Wings.
6. Enrolment.
7. Transfer.
8. Certificate of appointment to certain reserve police officers, when it is to be returned back.
9. General powers of Commandant.
10. General duties of members of State Reserve Police Force.
11. Reserve Police Officers to be deemed to be in charge of police station, circumstances under which reserve police officer entitled to use force.
12. Offence in respect of resignation contrary to provisions.
13. Offence in respect of refusal to deliver certificate of appointment, etc.
14. More heinous offences.
15. Less heinous offences.
16. Reserve police officer in command to give information of commission of offence under Act by reserve police officer under his charge.
17. Place of imprisonment and liability to dismissal on imprisonment.
18. Minor punishments.
19. Every reserve police officer to be police officer as defined in Bom. XXII of 1951.
20. Protection for acts of members of force.
21. Power to make rules.

SCHEDULE A.

SCHEDULE B.

BOMBAY ACT No. XXXVIII OF 1951.[1]

[THE BOMBAY STATE RESERVE POLICE FORCE ACT, 1951.]

[*23rd October 1951*]

Amended by Bom. 48 of 1954.

An Act to provide for the constitution and regulation of an armed Reserve Police Force in the State of Bombay.

WHEREAS it is expedient to provide for the constitution and regulation of an armed Reserve Police Force in the State of Bombay ; It is hereby enacted as follows :—

Short title, extent, commencement and application.

1. (*1*) This Act may be called the Bombay State Reserve Police Force Act, 1951.

(*2*) It extends to the whole of the State of Bombay.

(*3*) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint in this behalf.

(*4*) It shall apply to the members of the State Reserve Police Force, wherever they may be.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*a*) 'active duty' means—

(*i*) the duty to investigate offences involving a breach of peace or danger to life or property and to search for and apprehend persons concerned in such offences or who are so desperate and dangerous as to render their being at large hazardous to the community ;

(*ii*) the duty to take all adequate measures for the extinguishing of fires or to prevent damage to person or property on the occasion of such occurrences as fires, floods, earthquakes, enemy action or riots and to restore peace and preserve order on such occasions ;

(*iii*) such other duty as may be specified to be active duty by the State Government or the Inspector-General in a direction issued under section 10.

(*b*) 'Commandant' and 'Assistant Commandant' mean respectively persons appointed to those offices by the State Government under section 5.

(*c*) 'Commissioner of Police' and 'Deputy Commissioner' mean respectively a Commissioner of Police and a Deputy Commissioner of Police appointed under the Bombay Police Act, 1951. Bom. XXII of 1951.

(*d*) 'Follower' means any person appointed to do the work of a cook, mess servant, washerman, cobbler, barber, tailor, sweeper or an orderly in connection with the State Reserve Police Force ;

(*e*) 'members of the subordinate ranks' means members of the State Reserve Police Force below the rank of [2][Battalion Commander or Commander of Head Quarters Wing] ;

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[1] For Statement of Objects and Reasons *see Bombay Government Gazette*, 1951, Part V, page 320.

[2] These words were substituted for the words "Adjutant or Battalion Commander" by Bom. 48 of 1954, s. 2.

(*f*) 'Police Officer' means every police officer as defined by the Police Act, 1861, or the Bombay Police Act, 1951; V of 1861. Bom. XXII of 1951.

(*g*) 'Prescribed' means prescribed by rules made under this Act;

(*h*) 'reserve police officer' means any member of the State Reserve Police Force established under this Act;

(*i*) 'superior officer' means in relation to any reserve police officer a reserve police officer of a higher rank than, or of a higher grade in the same class as, or of the same rank as but senior to, himself.

(*j*) the words and expressions used herein and which are defined in the Indian Penal Code, the Code of Criminal Procedure, 1898, and the Bombay Police Act, 1951, and not hereinbefore defined, shall have the meanings respectively assigned to them in those enactments. XLV of 1860. V of 1898. Bom. XXII of 1951.

Constitution of the State Reserve Police Force.

3. (*1*) In addition to the Police Force constituted under the Bombay Police Act, 1951, the State Government may establish and maintain an armed reserve police force known as the State Reserve Police Force. Bom. XXII of 1951.

(*2*) The State Reserve Police Force shall be established and maintained in such manner as may be prescribed.

(*3*) Subject to the provisions of this Act, the pay, pension and other conditions of service of members of the State Reserve Police Force shall be such as may be determined by the State Government:

Provided that nothing in this section shall apply to the pay, pension and other conditions of service of the members of the Indian Police or the Indian Police Service who may be transferred to the State Reserve Police Force.

(*4*) The State Government or any officer empowered by it in this behalf may,—

(*a*) divide the State Reserve Police Force in groups;

(*b*) sub-divide each group into battalions, and each battalion into companies, and each company into platoons,

(*c*) post any group, battalion, company or platoon at such places as the State Government or the officer empowered by it in this behalf may deem fit.

Superintendence, control, and administration of Force.

4. The superintendence of and control over the State Reserve Police Force shall vest in the State Government; and the State Reserve Police Force shall be administered by the State Government in accordance with the provisions of this Act and of any rules made thereunder, through such officers as the State Government may from time to time appoint in this behalf.

Appointment of Commandant [2], Assistant Commandant and Adjutant].

5. (*1*) The State Government may appoint for each group a Commandant who shall be a person eligible to hold the post of a District Superintendent and an Assistant Commandant [1][and an Adjutant who shall be persons] eligible to hold the post of an Assistant or a Deputy Superintendent.

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[1] These words were substituted for the words "who shall be a person" by Bom. 48 of 1954, s. 3 (*1*).

[2] These words were substituted for the words "and Assistant Commandants", *ibid.* s. 3 (*4*).

(*2*) Notwithstanding anything contained in sub-section (*1*), the State Government may appoint such Military Officer as it deems fit to be a Commandant or Assistant Commandant [1][or Adjutant].

(*3*) The Commandant, the Assistant Commandant [2][, the Adjutant] and every other officer so appointed shall have and may exercise such powers and authority as may be provided by or under this Act.

Appointment of Battalion Commanders and Commanders of Head Quarters Wings.

[3][**5A.** Subject to the general or special orders of the State Government, the Inspector-General shall appoint the Battalion Commanders and the Commanders of Head Quarters Wings.]

Enrolment.

6. (*1*) Before any person appointed to be a reserve police officer joins his appointment, a declaration in the form in Schedule A shall be read out and, if he so desires, explained to him in the presence of a Commandant or an Assistant Commandant or a police officer not lower in rank than a District Superintendent or a Deputy Commissioner and shall be signed by him in token of his having undertaken to abide by the conditions prescribed therein. The declaration shall then be attested by such Commandant, Assistant Commandant or Police Officer, as the case may be.

(*2*) No reserve police officer shall resign his appointment except in accordance with the terms of the declaration signed by him under sub-section (*1*).

(*3*) If any reserve police officer resigns in contravention of this section, he shall be liable, without prejudice to any other penalty imposed by this Act or any other law for the time being in force, on the order of the Commandant, to forfeit all arrears of pay then due to him.

Transfer.

Bom. XXII of 1951.

7. (*1*) Notwithstanding anything contained in this Act or the Bombay Police Act, 1951, it shall be competent to the State Government to transfer members of [4]* * * the Police Force appointed under the Bombay Police Act, 1951, to the State Reserve Police Force established under this Act and *vice versa* :

Bom. XXII of 1951.

Provided that the State Government may delegate its power under sub-section (*1*) in so far as it relates to the transfer of members of the subordinate ranks of the respective Police Force to the Inspector-General.

Bom. XXII of 1951.

(*2*) On the transfer of a member of the Police Force appointed under the Bombay Police Act, 1951, to the State Reserve Police Force established under this Act or *vice versa*, he shall be deemed to be a member of the Police Force to which he is transferred and in the performance of his functions, he shall, subject to such orders as the State Government may make, be deemed to be vested with the powers and privileges, and be subject to the liabilities, of a member of such grade in the Police Force to which he has been transferred as may be specified in the orders.

Certificate of appointment to certain reserve police officers, when it is to be returned back.

8. (*1*) [5][A Battalion Commander] or Company Commander shall, on appointment, receive from the Inspector-General of Police a certificate of appointment containing particulars of his name, age, religion and his previous service, if any.

(*2*) Every reserve police officer below the rank of a Company Commander shall on appointment receive a certificate in the form of Schedule B, which shall be issued under the seal of the Commandant.

[1] These words were added by Bom. 48 of 1954, s. 3 (*2*).
[2] These words were inserted, *ibid.*, s. 3 (*3*).
[3] Section 5A was inserted, *ibid.*, s. 4.
[4] The words "the armed section of" were deleted, *ibid.*, s. 5.
[5] These words were substituted for the words "An Adjutant, a Battalion Commander", *ibid.*, s. 6.

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(*3*) Every person who for any reason ceases to be a reserve police officer shall forthwith deliver up to an officer empowered by the Commandant to receive the same, his certificate of appointment and the arms, accoutrements, clothing and other necessaries which have been furnished to him for the execution of his office.

General powers of Commandant.

9. The Commandant shall, subject to the orders of the Inspector-General of Police, direct and regulate all matters of arms, drill, exercise, mutual relations, distribution of duties, and all the matters of executive detail in the fulfilment of their duties by the members of the group in his charge.

General duties of members of State Reserve Police Force.

10. (*1*) Every reserve police officer shall for the purpose of this Act be deemed to be always on duty in the State of Bombay, and any reserve police officer and any member or body of reserve police officers may, if the State Government or the Inspector-General of Police so directs, be employed on active duty for so long as and wherever the services of the same may be required.

(*2*) Every direction issued under sub-section (*1*) shall specify that the duty on which any reserve police officer or any member or body of such officers is directed to be employed shall be deemed as active duty for the purposes of this Act.

Explanation.—The direction of the State Government or of the Inspector-General of Police whether a reserve police officer is required or is on active duty shall be final.

(*3*) A reserve police officer employed on active duty under sub-section (*1*), or when a number or body of reserve police officers are so employed, the officer in charge of such number or body, shall be responsible for the efficient performance of that duty and all police officers who but for the employment of one or more reserve police officers or body of reserve police officers would be responsible for the performance of that duty will to the best of their ability assist and co-operate with the said reserve police officer or officers in charge of a number or body of reserve police officers.

Reserve police officer to be deemed to be in charge of police station.

11. (*1*) When employed on active duty at any place under sub-section (*1*) of section 10, the senior reserve police officer of highest rank not being lower than that of a Naik present shall be deemed to be an officer in charge of a Police Station for the purposes of Chapter IX of the Code of Criminal Procedure, 1898. V of 1898.

Circumstances under which reserve police officer entitled to use force.

(*2*) Notwithstanding anything contained in sections 100 and 103 of the Indian Penal Code, a reserve police officer employed as aforesaid may, when there is reasonable apprehension of assault on himself or any reserve police officer or of damage or harm to any property or person which or whom it is his duty to protect, use such force to the wrong doer or assailant as may be reasonably necessary even though the use of such force may involve risk of death of the wrong doer or the assailant or any other person assisting such wrong doer or assailant. XLV of 1860.

Offence in respect of resignation contrary to provisions.

12. If any reserve police officer resigns his appointment in contravention of section 6 he shall be punished with imprisonment for a term which may extend to one year or with fine which may extend to one thousand rupees or with both.

Offence in respect of refusal to deliver certificate of appointment, etc.

13. Any reserve police officer who wilfully neglects or refuses to deliver up his certificate of appointment or any other article in accordance with sub-section (*3*) of section 8 shall be punished with imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees or with both.

More heinous offences.

14. Every reserve police officer who,—

(*a*) begins, excites, causes or conspires to cause or joins in any mutiny, or being present at any mutiny, does not use his utmost endeavours to suppress it by force of arms, if necessary, or knowing, or having reason to believe in, the existence of

any mutiny, or of any intention or conspiracy to mutiny or of any conspiracy against the State, does not, without delay, give information thereof to his superior officer present at or near the place ; or

(*b*) uses, or attempts to use criminal force to, or commits an assault on his superior officer, knowing or having reason to believe him to be such, whether on or off duty ; or

(*c*) shamefully abandons or delivers up any post, guard, building, fortification, or property which is committed to his charge, or which it is his duty to defend ; or

(*d*) in the presence of any person in arms against whom it is his duty to act, shamefully casts away his arms or his ammunition or intentionally uses words or any other means to induce any reserve police officer or any police officer to abstain from acting against any such person in arms, or to discourage such officer from acting against any such person in arms or who is otherwise guilty of cowardice or misbehaviour in the presence of any such person in arms ; or

(*e*) directly or indirectly holds correspondence with, or communicates intelligence to, or assists, or relieves, any person in arms against the State, or any person conspiring against Government or public security or any person to be arrested, or omits to discover immediately to his superior officer present, any such correspondence or communications coming to his knowledge ; or

(*f*) directly or indirectly sells, gives away, or otherwise disposes, or agrees to, or assists in, the sale, gift or disposal of any arms, ammunition or equipment to any such person as aforesaid, or knowingly harbours or protects any such person ; or

(*g*) while on active duty,—

(*i*) disobeys the lawful command of his superior officer ; or

(*ii*) deserts his force or his post ; or

(*iii*) being a sentry, or otherwise detailed to remain alert, sleeps at his post or quits it without being regularly relieved or without leave ; or

(*iv*) without authority, leaves his Commanding Officer for any purpose whatsoever ; or

(*v*) uses criminal force to, or commits an assault on, any person whom he has not any reason to believe to be in arms against the State and against whom it is his duty to act, or without authority breaks into any house or other place for plunder or any illegal purpose, or wilfully and unnecessarily plunders, destroys or damages any property of any kind ; or

(*vi*) intentionally causes or spreads a false alarm in action or in camp, garrison or quarters,

shall, on conviction, be punished with rigorous imprisonment for a term which may extend to fourteen years and shall also be liable to fine.

Explanation.—A reserve police officer shall be deemed to desert the force if he leaves his place of duty or posting without the permission of his superior officer and he shall be deemed to desert his post if he leaves any sentry, beat, point, building, vehicle, or other place at which or in which he is specifically ordered by his superior officer to perform the duty assigned to him.

Less heinous offences.

15. Every reserve police officer, who—

(*a*) assaults or uses or attempts to use criminal force to any sentry ; or

(*b*) being in command of a guard, picquet or patrol, refuses to receive any prisoner or person lawfully made over to his charge, or whether in such command or not, releases any prisoner or person without proper authority or negligently suffers any prisoner or person to escape ; or

(*c*) being in command of a guard, picquet or patrol, permits any person belonging to such guard, picquet or patrol to engage himself in gambling or other behaviour prejudicial to good order and discipline ; or

(*d*) being under arrest or in confinement, leaves his arrest or confinement, before he is set at liberty by lawful authority ; or

(*e*) is grossly insubordinate to his superior officer in the execution of his office; or

(*f*) refuses to superintend or assist in the making or carrying out of any construction of any description ordered to be made either in quarters or in the field ; or

(*g*) assaults or otherwise ill-uses any reserve police officer with reference to whom he is a superior officer ; or

(*h*) designedly or through neglect damages or loses or fraudulently or without due authority disposes of his arms, clothes, tools, equipment, ammunition, accoutrements or other necessaries furnished to him for the execution of his office or any such articles entrusted to him or to any other person ; or

(*i*) malingers, feigns or produces disease or infirmity in himself or intentionally delays his cure or aggravates his disease or infirmity ; or

(*j*) with intent to render himself or any other person unfit for duty, voluntarily causes hurt to himself or any other person ; or

(*k*) commits extortion or without lawful authority extorts from any person carriage, porterage or provisions ; or

(*l*) wilfully or negligently ill-treats, injures or causes the death of any animal or damages, loses or makes away with any animal or vehicle used in the public service ;

shall, on conviction, be punished with rigorous imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees or with both.

Reserve police officer in command to give information of commission of offence under Act by reserve p lice officer under his charge.

16. A reserve police officer who, being in command of any guard, picquet, party, patrol or detachment and knowing of the commission or of a design to commit any offence punishable under section 14 or 15 of this Act, by or on the part of any reserve police officer under his command, intentionally omits or without reasonable excuse, the burden of proving which shall lie on him, fails to give information of such commission or design to his superior officer shall, on conviction, be punished with rigorous imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees or with both.

Place of imprisonment and liability to dismissal on imprisonment.

17. (*1*) Every person sentenced under this Act to imprisonment may be dismissed from the State Reserve Police Force, and his pay, allowance and any other moneys due to him, as well as any medals and decorations received by him shall further be liable to forfeiture.

(*2*) Every such person shall, if he is so dismissed, be imprisoned in the prescribed prison, but if he is not also dismissed from the State Reserve Police Force, he may, if the Court so directs, be confined in the quarter-guard or such other place as the Court may consider suitable.

Minor punishments.

18. (*1*) A Commandant, or subject to the control of the Commandant, an Assistant Commandant, or subject to the same control, an officer not below the rank of Jamadar in independent command of a detachment or an outpost or in temporary command of a Group Headquarters during the absence of the Commandant or Assistant Commandant may award to any reserve police officer not higher in rank than a Battalion Havildar Major or to any follower subject to his authority, any of the following punishments for the commission of any offence against discipline which is not otherwise provided for in this Act, or which, in the opinion of the Commandant, Assistant Commandant or Officer, as the case may be, is not of sufficiently serious nature to call for prosecution before a criminal court, that is to say—

(*a*) punishment drill, extra guard, fatigue or any other duty for a term which may extend, when the order is passed by the Commandant, to fourteen days, and, when the order is passed by any other officer, to seven days;

(*b*) forfeiture of pay and allowances or such proportion of pay and allowances as he considers necessary for a period which may extend, when the order is passed by the Commandant, to one month and, when the order is passed by any other officer, to ten days;

(*c*) fine to an amount not exceeding one month's pay:

Provided that—

(i) no power under this sub-section shall be exercised by a Commandant or Assistant Commandant or other officer not below the rank of Jamadar unless the person to be awarded any of these punishments is under the command of such officer at the time when the breach of discipline or misconduct occurred and also when the power is exercised; and

(ii) when more than one officer are competent under proviso (i) to exercise the power, the most senior of such officers shall exercise the power.

(*2*) Any of the punishments specified in sub-section (*1*) may be awarded separately or with any one or more of the others:

Provided that fine shall not be awarded in combination with forfeiture of pay or allowances.

(*3*) No appeal shall lie from any order of punishment passed under this section except from an order of punishment of fine as provided in sub-section (*4*).

(*4*) An appeal against any order awarding punishment of fine shall lie to the State Government or to such officer as the State Government may by general or special order specify in this behalf.

(*5*) When a Commandant or an Assistant Commandant or other officer passes an order under sub-section (*1*), he shall enter in a book to be kept for the purpose a brief description of the default, together with the names of witnesses, explanation of the defaulter and the order of punishment and shall sign and date each such order.

Every reserve police officer to be police officer as defined in Bom. XXII of 1951.

19. Except as specifically provided in the foregoing sections of this Act, every reserve police officer shall for all purposes be deemed to be a police officer as defined in the Bombay Police Act, 1951, and the provisions of that Act shall, except in so far as they are inconsistent with the provisions of this Act, apply to every such reserve police officer. Bom. XXII of 1951.

Protection for acts of members of Force.

20. (*1*) In any suit or proceeding against any member of the State Police Reserve Force for any act done by him in pursuance of a warrant or order of a competent authority, it shall be lawful for him to plead that such act was done by him under the authority of such warrant or order.

(*2*) Any such plea may be proved by the production of the warrant or order directing the act, and if it is so proved, the member of the said Force shall thereupon be discharged from liability in respect of the act so done by him, notwithstanding any defect in the jurisdiction of the authority which issued such warrant or order.

(*3*) Notwithstanding anything contained in any other law for the time being in force, any legal proceeding, whether civil or criminal, which may lawfully be brought against any member of the State Police Reserve Force for anything done or intended to be done under the powers conferred by, or in pursuance of, any provision of this Act, or the Rules thereunder, shall be commenced within six months after the act complained of was committed and not otherwise, and notice in writing of such proceeding and of the cause thereof shall be given to the defendant or his superior officer at least one month before the commencement of such proceeding :

Provided that such proceedings may, with the sanction of the State Government, be commenced at any time after the act complained of was committed.

Power to make rules.

21. (*1*) The State Government may make rules not inconsistent with this Act for carrying out the purposes of this Act.

(*2*) In particular and without prejudice to the generality of the foregoing provisions, such rules may provide for all or any of the following matters, namely :—

(*a*) regulating the number, classes and grades of the State Reserve Police Force ;

(*b*) administration of the State Reserve Police Force ;

(*c*) recruitment, organization, classification and discipline of the members of the subordinate ranks ;

(*d*) inspection of the Force ;

(*e*) description and quantity of arms, accoutrements, clothing and other necessaries to be furnished to the members of the Force.

SCHEDULE A.

(*See* section 6.)

Form of declaration to be signed before joining appointment in the State Reserve Police Force.

I, (Name in full) .....

.....

(designation in the case of a member of a Police force/address in the case of a direct recruit).....

declare that—

(1) I am willing to serve, wherever posted, in the State Reserve Police Force,

(2) I shall not be entitled to resign my appointment in the State Reserve Police Force or to apply for a transfer to any other Police Force until I have completed the prescribed period of service in the State Reserve Police Force, and

(3) I shall not be entitled to resign my appointment or to apply for the transfer in the manner specified in (2) above even after the completion of the prescribed period of service, if on the relevant date I am on active duty or if my resignation or transfer as the case may be would cause the vacancies in my Group to exceed such percentage of the sanctioned strength of the Group as may for the time being have been prescribed by the State Government.

Signature in token of the above declaration having been read out and explained to the declarant and of his having understood and accepted it. .....

.....

Date .....

Place .....

Signed in my presence after I had satisfied myself that (Name in full).....

.....

(designation in the case of a member of a Police force/full address in the case of a direct recruit).....

.....

has understood and accepted the declaration and signed it in my presence.

Signature .....

Designation of the Officer before whom the declaration is signed. — Commandant or Assistant Commandant or Police Officer.

Date .....

Place .....

SCHEDULE B.

(*See* section 8.)

Form of Certificate for a State Reserve Police Officer below the rank of a Company Commander.

Seal
of the
Commandant.

A. B. has been appointed to the State Reserve Police Force in the State of Bombay and is vested with the powers, functions and privileges of a Reserve Police Officer under the Bombay State Reserve Police Force Act, 1951 (Bom. of 1951).

(Signature) .....

Commandant,
State Reserve Police Force,
Group.....

.....

THE BOMBAY (SECOND) REPEALING AND AMENDING ACT, 1951.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.
2. Repeal of certain enactments.
3. Amendment of certain enactments.

THE FIRST SCHEDULE.

THE SECOND SCHEDULE.

BOMBAY ACT No. XXXIX OF 1951.[1]

[THE BOMBAY (SECOND) REPEALING AND AMENDING ACT, 1951.]

[*25th October 1951*]

An Act to repeal certain enactments and to amend certain other enactments.

WHEREAS it is expedient to repeal certain enactments and to amend certain other enactments for the purposes hereinafter appearing; It is hereby enacted as follows :—

1. This Act may be called the Bombay (Second) Repealing and Amending Act, 1951. Short title.

2. The enactments specified in the First Schedule are hereby repealed to the extent mentioned in the fourth column thereof. Repeal of certain enactments.

3. The enactments specified in the Second Schedule are hereby amended to the extent and in the manner mentioned in the fourth column thereof. Amendment of certain enactments.

THE FIRST SCHEDULE.

Repeals.

(*See* section 2.)

Year.	No.	Short title.	Extent of repeal.
1	2	3	4
1932	XV	Bombay Weights and Measures Act, 1932.	In section 2, in clause (10) the word " and ", where it occurs for the second time.
1950	XXIX	Bombay Public Trusts Act, 1950.	Clause (16) of section 2, section 27, the words " or scrip ", wherever they occur, in section 30, and the words " and scrips " in the marginal note to the said section 30, third entry relating to section 27 in the Table appended to section 66, and clause (*j*) of sub-section (2) of section 84.

THE SECOND SCHEDULE.

Amendments.

(*See* section 3.)

Year.	No.	Short title.	Extent of amendment.
1	2	3	4
1898	V	Code of Criminal Procedure, 1898, in its application to the State of Bombay.	Section 197A, as inserted by section 2 of Bom. XX of 1951, shall be renumbered as section 197AA.

[1] For Statement of Objects and Reasons *see Bombay Government Gazette*, 1951, Part V, page 309.

Year.	No.	Short title.	Extent of amendment.
1	2	3	4
1912	VII	Bombay Smoke-nuisances Act, 1912.	In the long title, preamble and in sub-section (*1*) of section 2, for the words "Town and Island of Bombay" the words "Greater Bombay" shall be substituted.
1928	IV	Bombay University Act, 1928.	(1) In section 13, in paragraph (*B*) in class I in sub-section (*1*),— (*a*) for clause (*iii*) the following shall be substituted, namely:— "(*iii*) the Director of Education, Bombay State, or the Joint or a Deputy Director of Education designated by the State Government,"; (*b*) for clause (*v*) the following shall be substituted, namely:— "(*v*) the Director of Agriculture or any other officer of the Agriculture Department designated by the State Government,". (2) In section 20, for clause (*c*) of sub-section (*1*) the following shall be substituted, namely:— "(*c*) the Director of Education, Bombay State, or the Joint or a Deputy Director of Education who is a member of the Senate;"
1933	VI	Bombay Village Panchayats Act, 1933.	(1) In section 41, for clause (*d*) the following shall be substituted, namely:— "(*d*) Under the Bombay Prohibition Act, 1949— Being drunk and incapable of taking care of himself.. .. .. 85 (*1*)." (2) In sections 57, 107A and clause (*r*) of sub-section (*1*) of section 108, for the words "District Court or the District Magistrate" the words "District or the Sessions Court" shall be substituted; (3) In sub-section (*3*) of section 72, for the words "District Magistrate", wherever they occur, the words "Sessions Judge" shall be substituted; (4) In section 87B, for the words "District Magistrates" the words "Sessions Courts" shall be substituted; (5) In clause (*i*) of sub-section (*2*) of section 106, for the words "District Court or District Magistrate" the words "District or Sessions Court" shall be substituted; (6) In sub-section (*4*) of section 112, for the words "District Magistrate" the words "Sessions Court", and for the word "him" the word "it" shall be substituted.
1946	V	Bombay Sales Tax Act, 1946.	In section 21, in sub-section (*3*), for the word "sections" the word "section" shall be substituted.
1947	XXXII	Lord Reay Maharashtra Industrial Museum Act, 1947.	In section 17, in the marginal note, for the words "Poona City Borough Municipality" the words "Municipal Corporation of City of Poona" shall be substituted.
1947	LXI	Bombay Primary Education Act, 1947.	In section 2, in clause (8) for the words "the Director of Public Instruction" the words "the Director of Education" shall be substituted.

Year.	No.	Short title.	Extent of amendment.
1	2	3	4
1948	XX	Poona University Act, 1948.	(1) In section 16, in paragraph (B) in Class I in sub-section (*1*), for clauses (*iii*) to (*vii*) the following shall be substituted, namely:— "(*iii*) The Director of Education, Bombay State, or the Joint or a Deputy Director of Education designated by the State Government, (*iv*) Four members designated by the State Government representing the following Departments, namely:— (*a*) Medical or Public Health, (*b*) Agriculture, (*c*) Industries, (*d*) Public Works,"; (2) In section 19, for clause (*ii*) of sub-section (*1*) the following shall be substituted, namely:— "(*ii*) The Director of Education, Bombay State, or the Joint or a Deputy Director of Education who is a member of the Court,".
1948	XLIX	Bombay Secondary School Certificate Examination Act, 1948.	In section 3, in paragraph (A) of sub-section (*2*), for clauses (*a*) to (*d*) the following shall be substituted, namely:— "(*a*) the Director of Education, Bombay State, or the Joint or a Deputy Director of Education designated by the State Government; (*b*) the Director of Technical Education or any other officer of the Department of Technical Education designated by the State Government; (*c*) the Director of Agriculture or any other officer of the Agriculture Department designated by the State Government; (*d*) the Inspector of Commercial Schools, Bombay, or any other officer designated by the State Government to represent the Commercial Schools;"
1949	XV	Karnatak University Act, 1949.	(1) In section 15, in paragraph (B) in Class I in sub-section (*1*), for clauses (*iii*) to (*x*) the following shall be substituted, namely:— "(*iii*) The Director of Education, Bombay State, or the Joint or a Deputy Director of Education designated by the State Government, (*iv*) Six members designated by the State Government representing the following Departments, namely:— (*a*) Technical Education, (*b*) Medical or Public Health, (*c*) Agriculture, (*d*) Industries, (*e*) Public Works. (*f*) Forests, (*v*) Vice-Chancellors of other Universities established by law in the State of Bombay." (2) In section 18, for clause (*ii*) of sub-section (*1*) the following shall be substituted, namely:— "(*ii*) The Director of Education, Bombay State, or the Joint or a Deputy Director of Education who is a member of the Senate,"

Year.	No.	Short title.	Extent of amendment.
1	2	3	4
1949	L	Gujarat University Act, 1949.	(1) In section 16, in paragraph (B) in Class I in sub-section (*1*), for clauses (*iv*) to (*x*) the following shall be substituted, namely :— "(*iv*) the Director of Education, Bombay State, or the Joint or a Deputy Director of Education designated by the State Government, (*v*) Six members designated by the State Government representing the following Departments, namely :— (*a*) Technical Education, (*b*) Medical or Public Health, (*c*) Agriculture, (*d*) Industries, (*e*) Public Works, (*f*) Forests," (2) In section 19, for clause (*iii*) of sub-section (*1*) the following shall be substituted, namely :— "(*iii*) The Director of Education, Bombay State, or the Joint or a Deputy Director of Education who is a member of the Senate ;"
1949	LI	Shreemati Nathibai Damodar Thackersey Women's University Act, 1949.	(1) In section 15, in paragraph (B) in Class I in sub-section (*1*), for clauses (*ii*) to (*viii*) the following shall be substituted, namely :– "(*ii*) The Director of Education, Bombay State or the Joint or a Deputy Director of Education designated by the State Government, (*iii*) Four members designated by the State Government representing the following Departments, namely :— (*a*) Industries, (*b*) Medical or Public Health, (*c*) J. J. School of Arts, Bombay, (*d*) Co-operative and Village Industries. (*iv*) The Secretary, the Additional Secretary or the Joint Secretary to the Department of Education as the State Government may determine, (*v*) The Vice-Chancellors of other Universities established by law in the State of Bombay." (2) In section 39, for clause (*ii*) of sub-section (2) the following shall be substituted, namely :— "(*ii*) The Director of Education, Bombay State, or the Joint or a Deputy Director of Education who is a member of the Senate,".
1949	LIX	Bombay Provincial Municipal Corporations Act, 1949.	(1) In section 465, in clause (*b*) of sub-section (*3*), for the words, brackets, letter and figure "clause (*b*) of sub-section (*2*)" the words, brackets, letter and figure "clause (*c*) of sub-section (*2*)" shall be substituted. (2) In the Schedule,— (*a*) in Chapter IX, in clause (*a*) of rule 8, for the word "or", where it occurs for the second time the word "of" shall be substituted ;

Year.	No.	Short title.	Extent of amendment.
1	2	3	4
			(*b*) in Chapter XIV, in rule 4 and in the marginal note to the said rule, for the word, brackets and letter "clause (*c*)" the word, brackets and letter "clause (*e*)" shall be substituted.
950	XXVIII	Bombay Commissioners (Abolition of Office) Act, 1950.	In the Schedule, for the three items in column 2 against entry 7 relating to the Bombay Town Planning Act, 1915, the following shall be substituted, namely :— "1. In sections 4 (*1*), 10 (*2*) and 26 (*1*) the words 'in any area for which a municipal corporation is constituted under any enactment or the Commissioner elsewhere' shall be deleted ;. 2. In section 43, in sub-section (*3*) the words 'in the Greater Bombay or the Commissioner elsewhere' shall be deleted. 3. In section 45, in sub-section (*3*), the words 'in any area for which a municipal corporation is constituted under any enactment and by the Commissioner elsewhere' shall be deleted."
1951	XXIII	Bombay Separation of Judicial and Executive Functions Act, 1951.	In the Schedule,— (1) in Part I, for entry 67, the following shall be substituted, namely :— "67. In section 503, as inserted by section 21 of Act I of 1951, in sub-section (*2*),— (*i*) for the words 'such magistrate shall apply to the district magistrate' the following shall be substituted, namely :— 'such magistrate, if he is a judicial magistrate shall apply to the sessions judge and if he is an executive magistrate shall apply to the district magistrate,' ; (*ii*) for the words 'and the district magistrate' the words 'and the sessions judge or the district magistrate, as the case may be,' shall be substituted." (2) in Part III, in item 2 of the entry relating to the Bombay Village Panchayats Act, 1933,— (*a*) after the figures "87", where they occur for the first time, the word "and" shall be inserted . (*b*) the word, figures and letter "and 87B", where they occur for the first time, shall be deleted.

BOMBAY ACT No. XLIV OF 1951.[1]

[THE BOMBAY DISTRICT MUNICIPAL AND MUNICIPAL BOROUGHS (AMENDMENT) ACT, 1951.]

[*27th November 1951*]

An Act to amend the Bombay District Municipal Act, 1901, and the Bombay Municipal Boroughs Act, 1925.

WHEREAS it is expedient to amend the Bombay District Municipal Act, 1901, and the Bombay Municipal Boroughs Act, 1925, for the purposes hereinafter appearing; It is hereby enacted as follows :—

Bom. III of 1901. Bom. XVIII of 1925.

1. This Act may be called the Bombay District Municipal and Municipal Boroughs (Amendment) Act, 1951. Short title.

2–5. [*The amendments made by sections 2–5 have been incorporated in the Bombay District Municipal Act, 1901, and the Bombay Municipal Boroughs Act, 1925.*]

6. The enactment specified in the first column of the Schedule shall, in its application to the State of Bombay, be amended to the extent specified in the second column thereof. Amendment of enactment specified in Schedule.

SCHEDULE.

Enactment.	Extent of amendment.
1	2
Indian Electricity Act, 1910 (Act IX of 1910).	... 1. In section 3, after sub-section (*1*) the following sub-section shall be inserted, namely :— "(*1A*) If the applicant under sub-section (*1*) is a local authority, the area specified in the licence may include any area outside the area for which such local authority is constituted : Provided that under the enactment constituting such local authority, such local authority is authorised to supply energy in such area."

[1] For Statement of Objects and Reasons see *Bombay Government Gazette*, 1951, Part V, page 296.

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Enactment.	Extent of amendment.
1	2
	2. In section 7, (*1*) in sub-section (*1*), after the words "is constituted," the words "inclusive of the area, if any, for which such local authority is authorised to supply energy under the enactment constituting such local authority" shall be inserted; (*2*) in sub-section (*2*), in clause (*b*) after the word "constituted" the words "inclusive of the area, if any, for which such local authority is authorised to supply energy under the enactment constituting such local authority" shall be inserted.

THE SALSETTE ESTATES (LAND REVENUE EXEMPTION ABOLITION) ACT, 1951.

CONTENTS.

PREAMBLE.

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1. Short title, extent and commencement.
2. Definitions.
3. Liability of land in estates to land revenue and extinguishment of estate-holder's right to revenue assessment and reversion or lapse.
4. Waste lands, etc., to vest in Government.
5. Forest rights.
6. Application of the Code to lands in estates.
7. Method of compensation for the extinguishment or modification of any rights in land.
8. Limitation.
9. Court fees.
10. Provisions of Bom. LXVII of 1948 to govern relations of estate-holder and tenants.
11. Rules.

SCHEDULE.

BOMBAY ACT No. XLVII OF 1951.[1]

[THE SALSETTE ESTATES (LAND REVENUE EXEMPTION ABOLITION) ACT, 1951.]

[*14th January 1952*]

Amended by Bom. 38 of 1953.

An Act to abolish exemption from land revenue enjoyed by holders of certain estates in the Island of Salsette in the Bombay Suburban and Thana Districts in the State of Bombay.

WHEREAS it is expedient to abolish exemption from the payment of land revenue enjoyed by the holders of certain estates in the island of Salsette in the Bombay Suburban and Thana Districts in the State of Bombay and to provide for certain other matters hereinafter appearing; It is hereby enacted as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Salsette Estates (Land Revenue Exemption Abolition) Act, 1951.

(*2*) It extends to the villages specified in the Schedule in the Bombay Suburban and Thana Districts.

(*3*) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, direct.

Definitions.

2. (*1*) In this Act, unless there is anything repugnant in the subject or context,—

(*a*) 'Code' means the Bombay Land Revenue Code, 1879;

Bom V of 1879.

[2][(*aa*) 'Collector' includes an officer appointed by the State Government to perform the functions and exercise the powers of the Collector under this Act;]

(*b*) 'estate' means a village or a part thereof specified in the Schedule, and held under a kowl;

(*c*) 'estate-holder' means a holder of an estate and includes any person lawfully holding under or through him;

(*d*) 'kowl' means a lease, a farm or an agreement under which an estate is held from the State Government;

(*e*) 'permanent holder' means a sutidar, a shilotridar, a peasant proprietor or a holder who was in possession of the land in an estate before the grant of the kowl and whose rights have not been acquired by the estate-holder or who permanently holds any land on payment of assessment to the estate-holder;

(*f*) 'Schedule' means the Schedule appended to this Act.

(*2*) Any words or expressions which are defined in the Code and not defined in this Act shall be deemed to have the meaning given to them by the Code.

Liability of land in estates to land revenue and extinguishment of estate holder's right to revenue assessment and reversion or lapse.

3. (*1*) Notwithstanding anything contained in the kowl, a decree or order of a court or any other instrument or any law for the time being in force, but subject to the provisions of sub-section (*3*),—

(*a*) all lands in any estate are and shall be liable to the payment of land revenue to the State Government in accordance with the provisions of the Code and the rules made thereunder;

(*b*) (*i*) an estate-holder in respect of any land which is in his actual possession as an estate-holder or is in the possession of any person who holds the same through or under him and who is not a permanent holder, and

(*ii*) a permanent holder,

shall be primarily liable to the State Government for the payment of land revenue due in respect of such land held by him and shall be entitled to all the rights and

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1951, Part V, page 285.

[2] Clause (*aa*) was inserted by Bom. 38 of 1953, s. 3 and Second Schedule.

shall be liable to all the obligations in respect of such land under the Code or the rules made thereunder or any other law for the time being in force :

Provided that the amount of any rent or a sum of money payable by the estate-holder as consideration or otherwise under the terms of the kowl shall no longer be leviable.

(*2*) The right to recover assessment in respect of any land held by a permanent holder and the right of reversion or lapse, if any, in respect of such land under the terms of the kowl shall be deemed to have been extinguished.

(*3*) Nothing in sub-section (*1*) shall be deemed to affect the right of any person to hold any land in an estate wholly or partially exempt from the payment of land revenue under a special contract, or grant made or recognized by the terms of the kowl in respect of the estate or under a law for the time being in force in favour of any person other than the estate-holder.

Waste lands, etc., to vest in Government.

4. (*a*) All waste lands in any estate which under the terms of the kowl are not the property of the estate-holder,

(*b*) all waste lands in any estate which under the terms of the kowl are the property of the estate-holder but have not been appropriated or brought under cultivation before the 14th August 1951, and

(*c*) all other kinds of property referred to in section 37 of the Code situate in an estate which is not the property of any individual or an aggregate of persons legally capable of holding property other than the estate-holder and except in so far as any rights of persons may be established in or over the same and except as may be otherwise provided by any law for the time being in force, together with all rights in or over the same or appertaining thereto.

are and are hereby declared to be the property of the State and it shall be lawful to dispose of and sell the same by the authority in the manner and for the purposes prescribed in section 37 or 38 of the Code, as the case may be.

Forest rights.

5. The rights to trees specially those reserved by the Code, the Indian Forest Act, 1927, or any other law for the time being in force, shall vest in the State Government and nothing in this Act shall in any way affect the right of the State Government to apply the provisions of the Indian Forest Act, 1927, as in force in the State to forests in any of the estates. XVI of 1927. XVI of 1927.

Application of the Code to lands in estates.

6. Save as otherwise expressly provided in this Act, the provisions of the Code shall apply to lands in any estate.

Method of compensation for the extinguishment or modification of any rights in land.

7. (*1*) If any estate holder or any other person is aggrieved by any of the provisions of this Act as extinguishing or modifying any of his rights in any property and if such estate holder or person proves that such extinguishment or modification amounts to transference to public ownership of such property, such estate holder or person may apply to the Collector for compensation.

(*2*) Such application shall be made in the form prescribed by rules made under this Act within six months from the date on which this Act comes into force.

(*3*) The Collector shall after a formal inquiry in the manner provided by the Code award such compensation as he deems reasonable and adequate:

Provided that—

(*a*) the amount of compensation for the extinguishment of the right of reversion in lands in any estate shall not exceed the amount calculated at the rate of Rs. 10 per 100 acres of such lands;

(*b*) the amount of compensation for the extinguishment of any right in any waste land or in any other property referred to in clause (*c*) of section 4, which under the terms of the kowl was the property of the estate holder shall not exceed the amount calculated at the rate of Rs. 25 per 100 acres of such land:

Provided further that, in the case of the extinguishment or modification of any other right of any estate holder or any right of any other person, the Collector shall be guided by the provisions of sub-section (*1*) of section 23 and section 24 of the Land Acquisition Act, 1894.

I of 1894.

(*4*) Subject to the provisions of sub-section (*5*), the award of the Collector shall be final.

(*5*) Any person aggrieved by the award or decision of the Collector may appeal to the Bombay Revenue Tribunal constituted under the Bombay Revenue Tribunal Act, 1939.

Bom XII of 1939.

(*6*) In deciding appeals under sub-section (*5*), the Bombay Revenue Tribunal shall exercise all the powers which a court has and follow the same procedure which a court follows in deciding appeals from the decree or order of an original court under the Code of Civil Procedure, 1908.

V of 1908.

8. Every appeal made under this Act to the Bombay Revenue Tribunal shall be filed within a period of sixty days from the date of the award of the Collector. The provisions of sections 4, 5, 12 and 14 of the Indian Limitation Act, 1908, shall apply to the filing of such appeal. **Limitation.**

IX of 1908.

9. Notwithstanding anything contained in the Court-fees Act, 1870, every appeal made under this Act to the Bombay Revenue Tribunal shall bear a court-fee stamp of such value as may be prescribed. **Court fees.**

VII of 1870.

10. Nothing in this Act shall in any way be deemed to affect the application of any of the provisions of the Bombay Tenancy and Agricultural Lands Act, 1948, to any of the lands in any estate or the mutual rights and obligations of an estate holder and his tenants, save in so far as the said provisions are not in any way inconsistent with the express provisions of this Act. **Provisions of Bom. LXVII of 1948 to govern relations of estate holder and tenants.**

Bom. LXVII of 1948.

11. The State Government may make rules for the purpose of carrying out the provisions of this Act. Such rules shall be subject to the condition of previous publication and shall, when finally made, be published in the *Official Gazette*. **Rules.**

SCHEDULE.

[*See* section 2 (*1*)(*f*)]

Bombay Suburban District.	Thana District.
1. Deonar.	1. Varsawa Boreghat.
2. Borla.	2. Chena.
3. Kirol.	3. Ghodbunder.
4. Kanjur.	4. Bhayander.
5. Bhandup.	5. Mira.
6. Vikroli.	6. Chinchevli.
7. Vyaravli.	7. Dindoshi.
8. Chendavli.	8. Akurli.
9. Powai.	9. Borivde.
10. Tirandaj.	10. Dahisar.
11. Kopri.	11. Magatana.
12. Sanki.	12. Arey.
13. Paspoli.	13. Kaneri.
14. Tangwan.	14. Part Pahadi.
15. Kurla.	15. Goregaon.
16. Marol.	16. Poisar.
17. Asalpay.	17. Walnai.
18. Kole Kalyan.	18. Wadhwan.
19. Mohili.	19. Eksar.
20. Parjapur.	20. Malad.
21. Shahar.	21. Tulsi.
22. Mogra (Mogray).	
23. Wasivre (Oshivra).	
24. Bandhivli.	
25. Maravli.	
26. Mahul.	
27. Vile Parle.	
28. Juhu.	
29. Hirali.	
30. Majas.	

THE BOMBAY HOMOEOPATHIC ACT, 1951.

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SCHEDULE II.

BOMBAY ACT No. XLVIII OF 1951.[1]

[THE BOMBAY HOMOEOPATHIC ACT, 1951.]

[*23rd January 1952*]

Amended by Bom. 9 of 1952.
,, ,, ,, 2 of 1955.
,, ,, ,, 29 of 1955.

An Act to regulate the qualifications and to provide for the registration of practitioners of the Homoeopathic System of Medicine in the State of Bombay.

WHEREAS it is expedient to regulate the qualifications and to provide for the registration of practitioner of the Homoeopathic System of Medicine in the State of Bombay ; It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

Short title, extent and commencement.

1. (*1*) This Act may be called the Bombay Homoeopathic Act, 1951.

(*2*) It extends to the whole of the State of Bombay.

(*3*) Chapters I, IV and VI shall come into force at once. The State Government may, by notification in the *Official Gazette*, direct that the remaining provisions of this Act shall come into force on such date as may be specified in the notification.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context—

(*1*) " Board " means the Board of Homoeopathic System of Medicine, Bombay, established under section 3.

(*2*) " Court " means the Court of Examiners constituted under section 17 ;

(*3*) " Homoeopathy " means the system of medicine founded by Dr. Hahnemann and the expression " homoeopathic " shall be construed accordingly ;

(*4*) " Inspector " means an Inspector appointed by the Board under sub-section (*4*) of section 15 ;

(*5*) " member " means a member of the Board ;

(*6*) " practitioner " means a person who practises the Homoeopathic system of medicine, as his principal occupation ;

(*7*) " prescribed " means prescribed by rules ;

(*8*) " President " means the President of the Board ;

(*9*) " qualifying examination " means an examination in homoeopathic system of medicine specified in Schedule I and includes any previous examination as a preliminary to such examination ;

(*10*) " register " means a register of practitioners prepared and maintained under this Act ;

(*11*) " registered practitioner " means a practitioner whose name is for the time being entered in the register ;

(*12*) " Registrar " means the Registrar appointed under section 15 ;

(*13*) " regulations " means regulations made under section 38 ;

(*14*) " Rules " means rules made under section 37.

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[1]For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1951, Part V, page 340.

CHAPTER II.

ESTABLISHMENT OF BOARD.

Establishment, constitution and incorporation of Board.

3. (*1*) The State Government may, as soon as may be, by notification in the *Official Gazette* constitute a Board, to be called "the Board of Homoeopathic System of Medicine, Bombay". The Board shall be a body corporate and have perpetual succession and a common seal and may by the said name sue and be sued.

(*2*) The Board shall consist of eleven members including the President and shall be constituted in the following manner, namely :—

(*i*) A President who shall be a registered practitioner;

(*ii*) Five members nominated by the State Government out of whom two at least shall be registered practitioners; and

(*iii*) Five members elected by the registered practitioners from amongst themselves as follows :—

(*a*) three from among practitioners whose names are entered in Part A of the register; and

(*b*) two from among practitioners whose names are entered in Part B of the register :

Provided that—

(*a*) for a period of ten years after coming into force of this Chapter, the President shall be appointed by the State Government;

(*b*) at the first and subsequent constitution of the Board after the expiry of the said period of ten years, the President shall be elected by the members from among themselves and the number of members to be elected by registered practitioners in Part A of the register shall be four.

Appointment of members in default of election.

4. If at any election the electors fail to elect the requisite number of members the State Government shall nominate such registered practitioners, as it deems fit, to fill the vacancies and the practitioners so nominated shall for the purpose of section 3 be deemed to have been duly elected under the said section.

Election of members.

5. The election of members under section 3 shall be held at such time and at such place and in such manner as may be prescribed.

Term of office.

6. (*1*) Save as otherwise provided by this Act, the term of office of the members whether elected or nominated, shall be for a period of five years commencing from the date on which the first meeting of the Board is held after the election of the members under section 3.

(*2*) An out-going member shall continue in office until the election or nomination of his successor, as the case may be.

(*3*) An out-going member shall be eligible for re-election or re-nomination.

Extension of period of Board.

7. Notwithstanding anything contained in section 6, the State Government may extend the term of office of the members to any further period not exceeding one year.

Vacancies.

8. In the event of the death, resignation, removal, disability or disqualification of a member or the President, or otherwise previous to the expiry of the period of his office, the vacancy shall be filled in the prescribed manner. Any person elected or nominated to fill the vacancy shall, notwithstanding anything contained in section 6, hold office only so long as the person in whose place he is elected or nominated would have held office if the vacancy had not occurred.

Resignation.

9. (*1*) Any member may at any time resign his office by a letter addressed to the President. Such resignation shall take effect from the date on which it is accepted by the Board.

(*2*) The President, if appointed by the State Government, may at any time resign his office by a letter addressed to the State Government. If the President is elected, he may resign his office by a letter addressed to the Board. The resignation shall take effect from the date on which it is accepted by the State Government, or the Board, as the case may be.

Disability.

10. If any member—

(*a*) absents himself from three consecutive ordinary meetings of the Board without such reasons as may, in the opinion of the State Government in the case of the President, and in the case of any other member in the opinion of the Board, be sufficient, or

(*b*) becomes subject to any of the disqualifications mentioned in section 11,

the State Government or the Board, as the case may be, shall declare his office vacant.

Disqualification.

11. No person—

(*a*) who is an undischarged insolvent,

(*b*) who has been adjudged to be of unsound mind by a competent Court,

(*c*) whose name has been removed from the register, or

(*d*) who is a full time officer or servant of the Board,

shall be eligible for being elected or nominated or for continuing to be a member.

Validity of proceedings.

12. No disqualification or defect in the election, nomination or appointment of any person as a member or as the President or as a presiding authority of a meeting shall of itself invalidate any act or proceeding of the Board in which such person has taken part.

Time and place of meetings of Board.

13. The Board shall meet at such time and place and every meeting shall be summoned in such manner as may be provided for by regulations:

Provided that until such regulations are made, it shall be lawful for the President to summon a meeting of the Board at such time and place as he may deem expedient by circulating a notice to each member.

Procedure at meetings of Board.

14. (*1*) The President, if present, shall preside at every meeting of the Board. In the absence of the President, the members present shall elect one of themselves to preside.

(*2*) All questions at a meeting of the Board shall be decided by the votes of the majority of the members present and voting at the meeting.

(*3*) Six members including the President shall form a quorum.

(*4*) The President or the person presiding at a meeting shall have a second or casting vote in case of an equality of votes.

Registrar and other employees of Board.

15. (*1*) The Board shall, with the previous sanction of the State Government, appoint a Registrar. The Registrar shall receive such salary and allowances as may be prescribed.

(*2*) The Board may from time to time grant him leave and may appoint a person with the previous sanction of the State Government to act in his place during his leave or absence; provided that if the period of such leave does not exceed two months, such leave may be granted by the President who shall also make temporary appointment of any other person to act during the said period and report the appointment to the State Government. Any person duly appointed to act as Registrar shall be deemed to be the Registrar for the purposes of this Act.

(*3*) An appeal shall lie to the State Government from every order of the Board punishing or removing any person from the office of the Registrar.

(*4*) The Board may appoint Inspectors and such other officers and servants as may be necessary for the purposes of this Act

(*5*) The Registrar and any other officer or servant appointed under this section shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code. XLV of 1860.

(*6*) The Registrar shall be the Secretary and the executive officer of the Board.

Powers and functions of the Board.

16. The Board shall exercise such powers and perform such functions as may be prescribed by or under the provisions of this Act or as the State Government may direct for carrying out the provisions of this Act.

CHAPTER III.

Court of Examiners.

Court of Examiners.

17. (*1*) The State Government may, by notification in the *Official Gazette*, constitute a Court of Examiners which shall consist of seven persons including the Chairman, as follows :—

(*i*) the Surgeon General, who shall be the Chairman of the Court;
(*ii*) three persons elected by the Board from amongst its members; and
(*iii*) three persons nominated by the State Government:

Provided that every person elected under clause (*ii*) shall continue to hold office of a member of the Court only so long as he is a member of the Board :

Provided further that pending the election of such persons by the Board after its constitution for the first time, the State Government shall nominate three persons who shall be the registered practitioners or entitled to have their names entered in the register. The persons so nominated shall hold office until the Board has elected all the three persons under this sub-section.

(*2*) The members of the Court shall hold office for such period as may be prescribed.

(*3*) Any vacancy in the office of the members of the Court shall be filled in the prescribed manner and any person elected or nominated to fill any vacancy shall hold office only so long as the person in whose place he is elected or nominated would have held office, if the vacancy had not occurred.

(*4*) Any member of the Court other than the Chairman may at any time resign his office by a letter addressed to the Chairman. Such resignation shall take effect from the date on which it is accepted by the Court.

(*5*) It shall be the duty of the Court to appoint examiners and to conduct examinations held by it, to make recommendations to the State Government through the Board [1][if duly constituted] in respect of the course of studies, and to perform such other duties and functions as may be prescribed.

(*6*) The Court shall meet at such time and such place and the procedure regarding its working shall be such as may be prescribed.

CHAPTER IV.

REGISTRATION.

Preparation of first Register.

18. (*1*) The State Government shall, as soon as may be, cause to be prepared a register of homoeopathic practitioners for the State.

(*2*) The register shall include the following particulars, namely :—

(*a*) the full name, nationality and residential address of the registered practitioner ;

(*b*) the date of his first admission to the register ;

(*c*) the qualification for registration and the date on which he obtained his degree or diploma in homoeopathy, if any, and the authority which conferred or granted it ;

(*d*) his professional address ; and

(*e*) such further particulars as may be prescribed.

(*3*) The register shall be divided into three parts :—

(*i*) *Part A.*—This part shall include—

(*a*) persons who have been engaged in the practice of the Homoeopathic system of medicine for a period of not less than ten years immediately before the date of the coming into force of this Chapter as the principal occupation,

(*b*) persons who have received personal clinical instruction for a period of not less than two years in a hospital where indoor patients are kept and where the service includes surgery, gynaecology and midwifery and Homoeopathic medicine and passed an examination in the said subjects approved by the Registration Tribunal ;

Bom. VI of 1912. Bom. XXVI of 1938.

(*ii*) *Part B.*—This part shall include medical practitioners who are registered under the Bombay Medical Act, 1912, or the Bombay Medical Practitioners' Act, 1938, and who practise the Homoeopathic system of medicine ; and

(*iii*) *Part C.*—Other persons who have been in practice of the Homoeopathic system of medicine as the principal occupation at the aforesaid date :

Provided that the entries of the names of persons in Part C shall be provisional and their names shall be removed from the register unless they pass only the third and final examination in the subjects specified in Part I and Part II for the diploma of L. C. E. H. specified in Schedule I within a period of seven years from the aforesaid date :

Provided further that if any such person passes the final examination in the subjects referred to in the preceding proviso within the period specified therein, the entries of the names of such persons shall be transferred from Part C to Part A of the register.

Registration Tribunal.

19. (*1*) For the purpose of the preparation of the first register, the State Government may by notification in the *Official Gazette* constitute a Registration Tribunal consisting of three persons out of whom two shall be persons who are entitled to have their names entered in the register and shall appoint a Secretary of the Tribunal.

[1] These words were inserted by Bom. 29 of 1955, s. 3, Second Schedule.

(*2*) The State Government by the same or a like notification shall appoint a date (which date shall be not later than the expiry of [1][one year] from the date of the coming into force of this Chapter) on or before which application for registration shall be made to the Registration Tribunal. Such application shall be accompanied by a fee of Rs. 10 :

[2][Provided that in respect of persons eligible for registration under sub-clause (*b*) of clause (*i*) of sub-section (*3*) of section 18, such applications for registration may be made to the Registration Tribunal before the expiry of two months from the date of the coming into force of the Bombay Repealing and Amending Act, 1955.] Bom. II of 1955.

(*3*) The Registration Tribunal shall examine every application received on or before the appointed date and after making inquiry in the prescribed manner if it is satisfied that the applicant is qualified for registration under section 18 shall direct the entry of the name of the applicant in the register in the part in which he is entitled to have his name entered.

(*4*) The register so prepared shall thereafter be published in such manner as the State Government may direct, and any person aggrieved by a decision of the Registration Tribunal, express or implied, in the register as so published may within thirty days from the date of the publication of the register, appeal to an authority appointed by the State Government in this behalf by a notification in the *Official Gazette* on payment of a fee of Rs. 5.

(*5*) The Secretary shall amend the register in accordance with the decision of the authority appointed under sub-section (*4*) and shall thereupon issue to every practitioner whose name is entered in the register a certificate of registration in the prescribed form.

Custody of register.

20. (*1*) Upon the constitution of the Board for the first time after the commencement of this Act, the register shall be given into its custody and the State Government may direct that all or any specified part of the application fees for registration in the first register shall be paid to the credit of the Board. The State Government shall publish in the *Official Gazette* the date on which the register is given in the custody of the Board.

(*2*) It shall be the duty of the Board to maintain and revise the register in accordance with the provisions of this Act and the rules.

Qualifications for subsequent registration.

21. After the constitution of the Board referred to in sub-section (*1*) of section 20, a person shall on payment of Rs. 10 be entitled to have his name entered in the register, only if he possesses any of the qualifications specified in Schedule I.

Undertaking to be given for entering name in register.

22. The name of any practitioner shall not be entered either in the first register or a register maintained under section 20, unless he gives an undertaking in writing that he shall not use any degree, diploma or licence which is identical with or is a colourable imitation of any degree, diploma or licence granted by a body or institution authorised under the Indian Medical Degrees Act, 1916, the Bombay Medical Act, 1912, the Indian Medical Council Act, 1933, or the Bombay Medical Practitioners' Act, 1938. It shall be lawful for such persons to use after his name the words " Registered Practitioner of Homoeopathy " in full to indicate that his name has been entered in the register. VII of 1916. Bom. VI of 1912. XXVII of 1933. Bom. XXVI of 1938.

[1] These words were substituted for the words "six months " by Bom. 9 of 1952, s. 2.
[2] This proviso was added by Bom. 2 of 1955, s. 3, Second Schedule.

Maintenance of register.

23. (*1*) It shall be the duty of the Registrar to make entries in the register, from time to time to revise the same and to issue the certificates of registration in accordance with the provisions of this Act, the rules and the orders of the Board.

(*2*) The names of registered practitioners who die or whose names are directed to be removed from the register under sub-section (*4*) or section 24 shall be removed therefrom.

(*3*) The Board may direct that any alteration in the entries as respects additional qualifications shall not be made except on payment of such fee as may be prescribed.

(*4*) For the purpose of this section, the Registrar may at any time write by registered post to any registered practitioner at the address which is entered in the register to inquire whether he has ceased to practise or has changed his residence and, if no answer is received to the said letter within six months, the Registrar may remove the name of the said practitioner from the register. Such inquiry shall be made at least once one year before the term of office of the members of the Board is about to expire :

Provided that the Board, if it is satisfied that the said practitioner has not ceased to practise, on the application of the said practitioner may direct his name to be entered in the register.

Removal of names from register.

24. (*1*) The Board may direct that the name of any practitioner who has been convicted of a cognizable offence as defined in the Code of Criminal Procedure, 1898, which discloses such defect of moral character as is, in the opinion of the Board, sufficient to make him unfit to practise his profession or who after due inquiry has been found guilty of conduct, which is in the opinion of the Board infamous in any professional respect, shall be removed from the register. On such removal, the certificate of registration issued to the practitioner shall be deemed to have been cancelled. The Board may, on sufficient cause being shown, also direct that the name of the practitioner so removed shall be re-entered in the register.

V of 1898.

(*2*) If the name of the practitioner is entered in a register maintained under the Bombay Medical Act, 1912, or the Bombay Medical Practitioners' Act. 1938, it shall be the duty of the Board to give intimation of such removal to the authority entitled to maintain the said register.

Bom. VI of 1912.

Bom. XXVI of 1938.

(*3*) If the name of a practitioner referred to in sub-section (*2*) is removed from any of the registers maintained under the Acts referred to in the said sub-section the Board shall also remove his name from the register. On such removal the certificate of registration issued to the practitioner shall be deemed to have been cancelled.

Renewal fee.

25. (*1*) Notwithstanding anything contained in section 19 or 21, the Board may direct that a renewal fee of such amount as may be approved by the State Government shall be paid by each practitioner for the continuation of his name in the register.

(*2*) If the renewal fee is not paid before the due date, the Registrar shall remove the name of the defaulter from the register. On such removal, the certificate of registration issued to the practitioner shall be deemed to have been cancelled :

Provided that the name so removed may be re-entered in the register on payment of the renewal fee in such manner and subject to such conditions as may be prescribed and a new certificate of registration may be reissued.

MO-V Bk H 785—6*a*.

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No refund of fees.

26. Fees paid under sections 19, 21, 23 and 25 shall not be refunded.

Qualified medical practitioners.

27. Notwithstanding anything in any law for the time being in force—

(*i*) the expression "legally qualified medical practitioner" or "duly qualified medical practitioner" or any word importing a person recognised by law as a medical practitioner or member of medical profession shall in all Acts of Legislature in the State of Bombay and in all Central Acts in their application to the State of Bombay in so far as such Acts relate to any matters specified in List II or List III in the Seventh Schedule to the Constitution include a practitioner whose name is entered in Part A or Part B of the register ;

(*ii*) a certificate required by any Act from any medical practitioner or medical officer shall be valid, if such certificate has been signed by a practitioner whose name is entered in Part A or Part B of the register ;

(*iii*) a practitioner whose name is entered in Part A or Part B of the register shall be eligible to hold any appointment as a physician or other medical officer in any Homoeopathic dispensary, hospital or infirmary supported by or receiving a grant from the State Government and treating patients according to the Homoeopathic system of medicine or in any public establishment, body or institution dealing with such system of medicine.

Notice of death.

28. Every Registrar of Deaths on receiving notice of the death of a registered practitioner shall forthwith transmit by post to the Registrar a certificate under his own hand of such death with the particulars of time and place of death and may charge the cost of such certificate and transmission as an expense of his office.

CHAPTER V.

Course of Studies, Qualifying Examinations and Recognition of Institutions.

Course of studies and qualifying examinations.

29. (*1*) The course of studies and the examinations specified in Schedule I shall be the course of studies and the qualifying examinations held for the purpose of granting a diploma or a degree conferring the right of registration under this Act and such other course of studies and examinations as may, on the recommendation of the Board, be included in Schedule I by the State Government by notification in the *Official Gazette*.

(*2*) The Board may recommend to the State Government for recognition of institutions to give instruction in the Homoeopathic system of medicine or to hold examinations therein.

(*3*) It shall be the duty of the Board to secure maintenance of an adequate standard—

(*i*) of instruction in each of the subjects of the course of studies specified in Schedule I and for the purposes of securing such standard the Board shall have authority to call on the governing body or the authorities of any institution giving such instruction—

(*a*) to furnish such particulars as the Board may require about the details of instruction ;

(*b*) to permit Inspectors to inspect the institution ;

(*ii*) in each of the qualifying examinations specified in Schedule I and for the purpose of securing such standard, the Board shall have an authority to call on the governing body or authorities of any institution authorised to hold any of such examinations—

(*a*) to furnish such particulars as the Board may require about the conduct of such examinations ;

(*b*) to permit Inspectors to be present at the examinations and to report to the Board about the nature of the questions asked, the standard of giving marks and such other details as the Board may require.

(*4*) It shall also be the duty of the Board to inspect all institutions recognised under section 30 once at least in every five years.

Recognition of institutions.

30. (*1*) Any institution applying for recognition under this Act shall send an application to the Registrar and shall give full information in respect of the following matters :—

(*a*) the constitution and personnel of the governing or managing body ;

(*b*) subjects and courses on which it gives or proposes to give instruction ;

(*c*) accommodation, equipment and the number of students for whom provision has been made or is proposed to be made ;

(*d*) the strength of the staff, their salaries, qualifications and the research work done by them ;

(*e*) fees levied or proposed to be levied and the financial provision made for the capital expenditure on buildings and equipment and for the continued maintenance and efficient working of the institution.

(*2*) Any institution applying for recognition to hold qualifying examinations shall send an application to the Registrar and shall give full information in respect of particulars specified in clauses (*b*) to (*e*) of sub-section (*1*) and such other particulars as the Board may require.

(*3*) The Registrar shall place the application before the Board and the Board may direct the Registrar to call for any further information which it may deem necessary. The Board may also direct a local inquiry to be made by a competent person or persons authorised by it in this behalf.

(*4*) After recording the report of such local inquiry and after making such further inquiry as may be necessary, the Board shall forward the application with its report to the State Government stating its opinion whether the recognition asked for should or should not be granted. The State Government may thereupon grant or refuse the recognition or may grant it subject to such conditions as it deems fit. The decision of the State Government shall be final.

Removal of institution authorised to hold qualifying examination.

31. If it shall appear to the State Government on the report of the Board or otherwise that the instruction given in any recognised institution or the qualifying examination conducted by any of the institutions recognised to hold such examinations are not such as to secure the maintenance of the adequate standard of proficiency for the practice of surgery and midwifery and Homoeopathic medicine, it shall be lawful for the State Government from time to time to direct that the recognition of any institution for the purpose of giving instruction or holding an examination under section 29 shall be withdrawn and the said institution shall not be authorised to give instruction or to hold the examination, as the case may be :

Provided that before any direction for the withdrawal of the recognition of any institution is made under this section, the said institution shall be required to take steps within such time as may be specified in this behalf by the State Government to remedy the defect.

Alteration of Schedule I.

32. If it shall appear to the State Government on the report of the Board or otherwise that it is necessary or expedient to modify Schedule I by making any addition or alteration in the course of studies or the examinations specified therein, the State Government may, after calling for the report of the Board, if it has not already made the report and after making such inquiries as it thinks fit, make addition or alteration in Schedule I by notification in the *Official Gazette* and Schedule I shall upon the publication of such addition or alteration be deemed to have been so modified from the date specified in the notification.

CHAPTER VI.

MISCELLANEOUS.

Exemption from serving on inquests, etc.

33. Notwithstanding anything contained in any other law for the time being in force, every registered practitioner shall be exempt, if he so desires, from serving on an inquest, or as a juror or assessor under the Code of Criminal Procedure, 1898. V of 1898.

Fees and allowances to members.

34. There shall be paid to the members of the Board and the Court such fees and allowances for attendance and such reasonable travelling allowances as shall from time to time be prescribed.

Income and expenses of the Board.

35. (*1*) The income of the Board shall consist of—

(*a*) fees received from practitioners and examinees,

(*b*) the fees, if any, collected by the Court,

(*c*) grants received from the Government,

(*d*) donations and other sums received by the Board.

(*2*) The expenses of the Board shall include the salaries and allowances of the Registrar, the staff appointed by the Board including Inspectors, and fees and allowances paid to members of the Board and the Court, expenses for the conduct of examinations and such other expenses as are necessary for carrying out the purposes of this Act. The State Government may also direct the Board to pay such other expenses to the Court as it thinks fit.

Publication of list of practitioners.

36. The Registrar shall at least three months before the date fixed for the election of the Board, cause to be printed and published a correct list of the names and qualifications of all practitioners for the time being entered in the register and the dates when such qualifications were acquired.

Rules.

37. (*1*) The State Government may, after previous publication, make rules to carry out all or any of the other purposes of this Act.

(*2*) In particular and without prejudice to the generality of the foregoing power the State Government may make rules for any of the following matters :—

(*a*) the time and place at which and the manner in which election shall be held under section 5 ;

(*b*) the manner in which vacancies shall be filled under section 8 ;

(*c*) the salary, allowances and other conditions of service of the Registrar under section 15;

(*d*) the powers to be exercised and functions to be performed by the Board under section 16;

(*e*) the period for which the members of the Court shall hold office under sub-section (*2*), the manner of filling vacancy under sub-section (*3*), the duties and functions to be performed by the Court under sub-section (*5*) and the time and place of the meeting and the procedure to be followed regarding its working under sub-section (*6*) of section 17;

(*f*) the particulars to be entered in the register under clause (*e*) of sub-section (*2*) of section 18;

(*g*) the manner of making inquiry under sub-section (*3*), and the form of certificate under sub-section (*5*) of section 19;

(*h*) the fees chargeable for the alteration of entries as respects additional qualifications under sub-section (*3*) of section 23;

(*i*) the manner of payment of renewal fee and conditions subject to which such fee shall be paid under the proviso to sub-section (*2*) of section 25;

(*j*) the fees and other allowances to members of the Board and Court under section 34;

(*k*) any other matter which is to be or may be prescribed under this Act;

(*l*) the furtherance of any of the objects of this Act.

Regulations.

38. (*1*) The Board may, with the previous sanction of the State Government, make regulations not inconsistent with this Act or the rules for any of the following matters, namely:—

(*a*) the time and place at which and the manner in which the Board shall hold its meetings under section 13;

(*b*) the salary, allowances and other conditions of service of officers and servants of the Board and the Court other than the Registrar under section 15;

(*c*) the language in which the examinations shall be conducted and instruction shall be given;

(*d*) the detailed curriculum, the number of lectures, the period of terms devoted to practical and clinical studies in each subject and the recommendation of text books, if any;

(*e*) the conditions of appointment of examiners and fees to be paid to them, the conduct of examinations and the fees to be charged for the conduct of such examinations;

(*f*) all other matters which are not prescribed by rules, but which are necessary for the purpose of carrying out the objects of this Act:

Provided that the Board shall, before proposing any regulation under clause (*b*), (*c*), (*d*), (*e*) or (*f*), consult the Court and in case of difference of opinion between the Board and the Court in respect of any such regulation, the Board shall, while submitting such regulation to the State Government for sanction, report the grounds for such difference of opinion.

(*2*) The State Government on receiving the draft regulations may sanction or refuse to sanction the same or sanction them subject to such modifications as it may think fit or return them to the Board for further consideration.

(*3*) All regulations, when sanctioned, shall be published in the *Official Gazette*.

(*4*) The State Government may by notification cancel any regulation.

Control of State Government.

39. (*1*) If at any time it appears to the State Government that the Board has failed to exercise or has exceeded or abused any of the powers conferred upon it by or under this Act, or has failed to perform any of the duties conferred upon it, by or under this Act, the State Government may, if it considers such failure, excess or abuse to be of a serious character, notify the particulars thereof to the Board, and if the Board fails to remedy such failure, excess or abuse within such time as the State Government may fix in this behalf, the State Government may dissolve the Board and cause all or any of the powers or duties of the Board to be exercised and performed by such person and for such period not exceeding two years as it may think fit and shall take steps to constitute a new Board.

(*2*) Notwithstanding anything contained in this Act, rules or regulations, if at any time it shall appear to the State Government that the Board or any other authority empowered to exercise any of the powers or to perform any of the functions under this Act, has not been validly constituted or appointed, the State Government may cause any of such powers or functions to be exercised or performed by such person in such manner and for such period not exceeding six months and subject to such conditions as it thinks fit.

CHAPTER VII.

AMENDMENTS AND SCHEDULES.

Amendment of Bom. XXVI of 1938.

40. The provisions of the Bombay Medical Practitioners' Act, 1938, specified in column 1 of Schedule II shall be amended in the manner and to the extent specified in column 2 of the said Schedule from the date on which the register shall be given in the custody of the Board under section 20.

SCHEDULE I.

(Section 29.)

I. COURSE OF STUDIES.

G. C. E. H.—

Pre-admission qualification.—Intermediate Science B group of the Bombay University or an equivalent examination.

1st Examination—

Period of study.—2 years after admission.

Subjects.—Anatomy including embryology. Physiology including biophysics and biochemistry.

Pharmacology of important ayurvedic unani and allopathic drugs.

Organon and Homoeopathic Philosophy, Homoeopathic materia medica, pharmacy and dispensing.

Examination.—Two papers of three hours' duration in Anatomy and Physiology each with practical and *viva voce* examinations.

One paper of three hours' duration in Pharmacology.

One paper of three hours' duration in Organon and Homoeopathic Philosophy.

One paper of three hours' duration in Homoeopathic materia medica, pharmacy and dispensing and a practical and *viva voce* examination.

Final Examination—

Period of study.—Three years after 1st examination. Both parts may be taken together or separately.

Part I.

Subjects.—(1) Medicine including advanced Homoeopathic Philosophy, Homoeopathic materia medica, Therapeutics and Repertory and chronic miasma. (2) Pathology and Bacteriology. (3) Forensic Medicine. (4) Hygiene.

Examination.—Two papers of 3 hours' duration and a clinical, practical and *viva voce* examination in Medicine.

One paper of 3 hours' duration in each of the other three subjects and a practical and *viva voce* examination.

Part II.

Subjects.—Surgery, Midwifery and Gynæcology, Ophthalmology.

Examination.—One paper of 3 hours' duration and a clinical, practical and *viva voce* examination in each subject.

L. C. E. H.—

Pre-admission qualification.—Matriculation or S. S. C. Examination with Science.

1st Examination—

Period of study.—6 months.

Subjects.—Elementary { Physics. Chemistry. Biology.

Examination.—One paper of 3 hours and a practical examination in each subject.

2nd Examination—

Period of study.—18 months after 1st examination.

Subjects.—Anatomy, Physiology, Pharmacology of important allopathic, unani and ayurvedic drugs. Homoeopathic materia medica, pharmacy and dispensing, Homoeopathic Philosophy. Organon.

Examination.—A paper of 3 hours' duration and a practical and *viva voce* examination each in (1) Anatomy, (2) Physiology, (3) Homoeopathic Philosophy and Organon, (4) Homoeopathic materia medica and pharmacy and dispensing.

A paper of 3 hours' duration in Comparative Pharmacology of allopathic, unani and ayurvedic drugs.

3rd and Final Examination—

Part I.—To be taken at any time one year after 2nd examination; the two parts may be taken together also, two years after second examination.

Subjects.—Pathology. Forensic Medicine. Hygiene.

Examination.—A paper of 2 hours' duration in each subject and a *viva voce* examination.

Part II.—Two years after 2nd examination.

Subjects.—Medicine (including Homoeopathic materia medica, Therapeutics and Repertory). Surgery. Midwifery and Gynæcology.

Examination.—A paper of 3 hours' duration with clinical, practical and *viva voce* examination in each subject.

F. C. E. H. (For those registered under the Bombay Medical Act, 1912, or the Bombay Medical Practitioners' Act, 1938).

Period of study.—One year.

Subjects.—Medicine including the principles of Homoeopathy, Therapeutics, Repertory. Pharmacy and Dispensing. Organon of Medicine. Homoeopathic Philosophy. Homoeopathic materia medica. Chronic miasma, Development of Homoeopathy and Research in Homoeopathy.

Examination.—Four papers of three hours' duration and clinical, practical and *viva voce* examination :—

Paper I—Organon, Homoeopathic Philosophy, Chronic Miasms.
Paper II—Homoeopathic materia medica, Pharmacy and Dispensing.
Paper III—Therapeutics, Repertorisation and case taking.
Paper IV—The scientific method and the development of and Research in Homoeopathy.

II. QUALIFYING EXAMINATIONS.

Licentiate of the Court of Examiners in Homoeopathy ..	(L. C. E. H.)
Graduate of the Court of Examiners in Homoeopathy ..	(G. C. E. H.)
Fellow of the Court of Examiners in Homoeopathy ..	(F. C. E. H.)

SCHEDULE II.

(Section 40.)

Amendments of the Bombay Medical Practitioners' Act, 1938.

Provisions of Bom. XXVI of 1938.	Amendments.
1	2
Section 32 ..	After the words and figures "in the list mentioned in section 18", the following shall be inserted, namely, "or a person whose name is entered in the register maintained or kept under the Bombay Homoeopathic Act, 1951".
Section 33 ..	After the words and figures "the Bombay Medical Act, 1912," the following shall be inserted, namely :— "or a practitioner whose name is entered in Part A or Part B of the register under the Bombay Homoeopathic Act, 1951".
Section 35 ..	In sub-section (*1*), after the words and figures "the Bombay Medical Act, 1912" at both the places where they occur, the following shall be inserted, namely :— "or the Bombay Homoeopathic Act, 1951".

Provisions of Bom. XXVI of 1938.	Amendments.
1	2
Section 36 ..	(1) In clause (*e*), for the words "homoeopathy or any other" the word "any" shall be substituted and after the words "Unani Tibbi system of medicine" the words "or the Homoeopathic system of medicine" shall be inserted. (2) In sub-clause (*ii*) of the said clause for the words "or any Indian system of medicine under this Act" the following words and figures shall be substituted, namely :— "or the Ayurvedic system of medicine or the Unani Tibbi system of medicine or the Homoeopathic system of medicine".
Section 37 ..	In clause (*i*) after the words and figures "the Bombay Medical Act, 1912," the words "or under the Bombay Homoeopathic Act, 1951" shall be inserted.

BOMBAY REGULATION No. I OF 1951.

[THE BOMBAY SEALS ACT (APPLICATION TO SCHEDULED AREAS) REGULATION, 1951.]

[*12th May 1951*]

A regulation for the application of the Bombay Seals Act, 1949, to certain Scheduled Areas.

Bom. XXII of 1949. WHEREAS it is necessary to extend the provisions of the Bombay Seals Act, 1949, to certain Scheduled Areas in the State of Bombay for the peace and good government of the said Areas ;

NOW, THEREFORE, in exercise of the powers conferred by sub-paragraph (2) of paragraph 5 of the Fifth Schedule to the Constitution of India, the Governor of Bombay is, with the assent of the President, hereby pleased to make the following Regulation, namely :—

Short title, extent and commencement.

1. (*1*) This Regulation may be called the Bombay Seals Act (Application to Scheduled Areas) Regulation, 1951.

(*2*) It extends to the Scheduled Areas specified in the Schedule annexed hereto.

(*3*) It shall come into force at once.

Application of Bom. XXII of 1949, to Scheduled Areas.

Bom. XXII of 1949. **2.** Sections 3 and 4 of the Bombay Seals Act, 1949, shall apply to the areas specified in the Schedule annexed hereto.

SCHEDULE.

(*See* section 2.)

(1) Navapur Petha and Akrani Mahal in West Khandesh District.

(2) The Satpura Hills reserved forest areas in East Khandesh District.

(3) Kalvan Taluka and Peint Petha in Nasik District.

(4) Dahanu and Shahapur Talukas and Mokhada and Umbergaon Pethas in Thana District.

BOMBAY REGULATION No. II OF 1951.

[THE BOMBAY SECONDARY SCHOOL CERTIFICATE EXAMINATION ACT (APPLICATION TO SCHEDULED AREAS) REGULATION, 1951.]

[*29th June 1951*]

A Regulation for the application of the Bombay Secondary School Certificate Examination Act, 1948, to certain Scheduled Areas in the State of Bombay.

Bom. XLIX of 1948.

WHEREAS it is necessary to apply the provisions of the Bombay Secondary School Certificate Examination Act, 1948, to certain Scheduled Areas in the State of Bombay for the peace and good government of the said areas ;

NOW, THEREFORE, in exercise of the powers conferred by sub-paragraph (2) of paragraph 5 of the Fifth Schedule to the Constitution of India, the Governor of Bombay is hereby pleased, with the assent of the President, to make the following regulation, namely :—

Short title and extent.

1. (*1*) This Regulation may be called the Bombay Secondary School Certificate Examination Act (Application to Scheduled Areas) Regulation, 1951.

(*2*) It extends to the areas specified in the Schedule appended to this Regulation.

Bom. XLIX of 1948.

Application of Bombay Secondary School Certificate Examination Act to certain Scheduled Areas.

2. The Bombay Secondary School Certificate Examination Act, 1948 (hereinafter referred to as the said Act), shall, subject to the modification specified in section 3, apply to the areas specified in the Schedule (hereinafter referred to as the said areas), and sections 1 to 33 of the said Act shall be deemed to be and to have been in force in the said areas with effect from the 7th day of October 1948 and section 34 with effect from the 8th day of November 1948.

Modification of Act in its application to said areas.

3. In the application of the said Act to the said areas, sub-section (*2*) of section 1 thereof shall be deleted.

THE SCHEDULE.

(1) Navapur Petha and Akrani Mahal in West Khandesh District.

(2) The Satpura Hills reserved forest areas in East Khandesh District.

(3) Kalvan Taluka and Peint Petha in Nasik District.

(4) Dahanu and Shahapur Talukas and Mokhada and Umbergaon Pethas in Thana District.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.

2. Issue of Rs. 9,29,60,174 out of the Consolidated Fund of the State of Bombay for the year 1951-52.

3. Appropriation.

SCHEDULE.

BOMBAY ACT No. I OF 1952.[1]

[THE BOMBAY (FIRST SUPPLEMENTARY) APPROPRIATION ACT, 1952]

[*13th February 1952*]

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Bombay to the service of the year ending on the thirty-first day of March 1952.

WHEREAS by virtue of Article 204 of the Constitution of India, read with Article 205 thereof, it is necessary to provide for the passing of an Appropriation Act for the appropriation of further sums from and out of the Consolidated Fund of the State of Bombay to the service of the year ending on the thirty-first day of March 1952; and for the purpose of authorising payment of the said sums; It is hereby enacted as follows :—

1. This Act may be called the Bombay (First Supplementary) Appropriation Act, 1952. Short title.

2. From and out of the Consolidated Fund of the State of Bombay, there shall be paid and applied sums not exceeding those specified in column 4 of the Schedule hereto annexed amounting in the aggregate to the sum of Rupees 9,29,60,174 towards defraying the several charges which will come in course of payment during the year ending on the thirty-first day of March 1952, in respect of the services and purposes specified in column 2 of the Schedule. Issue of Rs. 9,29,60,174 out of the Consolidated Fund of the State of Bombay for the year 1951-52.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Bombay by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thirty-first day of March 1952. Appropriation.

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1952, Part V, page 15.

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SCHEDULE.

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3	4		
			Rs.	Rs.	Rs.
1	Land Revenue ..	7—Land Revenue ..	2,10,010	*11,211*	2,21,221
2	State Excise ..	8—State Excise ..	7,82,000	*4,793*	7,86,793
3	Stamps ...	9—Stamps ...	10	*2,233*	2,243
4	Forest ..	10—Forest ..	6,87,020	....	6,87,020
5	Registration ...	11—Registration ...	97,000	.....	97,000
6	Charges on account of Motor Vehicles Acts.	12—Charges on account of Motor Vehicles Acts.	81,125	*83,000*	1,64,125
7	Other Taxes and Duties.	13—Other Taxes and Duties.	13,258	2,49,000	2,62,258
8	Irrigation (including working expenses).	XVII—*Deduct*—Working expenses, "18—Other revenue expenditure financed from ordinary revenues" and "19—Construction of Irrigation, Navigation, Embankment and Drainage Works."	72,862	....	72,862
9	Appropriation for Reduction or Avoidance of Debt.	23—Appropriation for Reduction or Avoidance of Debt.	....	*61,260*	61,260
10	General Administration.	25—General Administration.	38,50,244	....	38,50,244
11	Administration of Justice.	27—Administration of Justice.	3,65,040	....	3,65,040
12	Police ..	29—Police ..	12,40,200	*4,224*	12,44,424
13	Scientific Departments.	36—Scientific Departments.	1,64,000	....	1,64,000
14	Education ..	37—Education ..	1,55,810	....	1,55,810
15	Medical ..	38—Medical ..	61,241	....	61,241
16	Public Health ..	39—Public Health ...	10	....	10
17	Agriculture ..	40—Agriculture ..	66,20,187	....	66,20,187

SCHEDULE—*contd.*

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3	4		
			Rs.	Rs.	Rs.
18	Co-operation ..	42—Co-operation ..	23,430	....	23,430
19	Industries ..	43—Industries ..	31,240	....	31,240
20	Industrial Development.	43-A—Capital Outlay on Industrial Development.	1,75,000	....	1,75,000
21	Miscellaneous Departments (except Labour).	47—Miscellaneous Departments.	29,750	....	29,750
22	Civil Works ..	50—Civil Works ..	10,09,952	*1,44,337*	11,54,289
23	Electricity Schemes	XLI—Receipts from Electricity Schemes-Deduct—Working Expenses.	10	....	10
24	Electricity Schemes.	53—Capital outlay on Electricity Shemes.	2,00,00,000	....	2,00,00,000
25	Famine ..	54—Famine ..	88,60,372	....	88,60,372
26	Territorial and Political pensions.	54-A—Territorial and Political pensions.	6,86,000	....	6,86,000
27	Superannuation Allowances and pensions.	55—Superannuation Allowances and pensions.	21,68,000	....	21,68,000
28	Stationery and Printing.	56—Stationery and Printing.	9,89,000	....	9,89,000
29	Miscellaneous ..	57—Miscellaneous ..	70,224	....	70,224
30	Road Transport Scheme.	XLVI-A—Receipts from Road Transport Scheme—Deduct—Refunds.	16,40,854	....	16,40,854
31	Extraordinary Charges.	63—Extraordinary Charges.	3,000	....	3,000
		Total expenditure on Revenue Account (including Revenue Expenditure and Capital Expenditure within Revenue Account).	5,00,86,849	*5,60,058*	5,06,46,907
32	Irrigation ..	68—Construction of Irrigation, Navigation, Embankment and Drainage Works.	1,55,00,010	....	1,55,00,010
33	Public Health ..	70—Capital Outlay on Improvement of Public Health.	11,44,000	....	11,44,000

SCHEDULE—*concld.*

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3	4		
			Rs.	Rs.	Rs.
34	Schemes of Agricultural Improvement and Research.	71—Capital Outlay on Schemes of Agricultural Improvement and Research.	10,00,000	.....	10,00,000
35	Civil Works ...	81—Capital Account of Civil Works outside the Revenue Account.	18,56,301	*38,302*	18,94,603
36	Electricity Schemes..	81-A—Capital Outlay on Electricity Schemes.	40,144	.....	40,144
37	Milk Scheme ...	82—Capital Account of other State Works outside the Revenue Account.	10	.....	10
38	Payments of Commuted Value of Pensions.	83—Payments of Commuted Value of Pensions.	2,75,000	.....	2,75,000
39	Payments to Retrenched Personnel.	85—Payments to Retrenched Personnel.	35,000	.....	35,000
40	State Schemes connected with State Trading.	85-A—Capital Outlay on State Schemes of State Trading.	1,35,25,040	*7,83,000*	1,43,08,040
		Total Capital expenditure outside the Revenue Account.	3,33,75,505	*8,21,302*	3,41,96,807
41	Permanent Debt ...	Permanent Debt ...	.....	*93,200*	93,200
42	Loans and Advances by State Government.	Loans and Advances by State Government.	9,00,000	*62,000*	9,62,000
43	Loans from the Central Government.	Loans from the Central Government.	.....	*70,61,260*	70,61,260
		Total Disbursements under Debt Heads.	9,00,000	*72,16,460*	81,16,460
		Grand Total ...	8,43,62,354	*85,97,820*	9,29,60,174

THE BOMBAY APPROPRIATION (VOTE ON ACCOUNT) ACT, 1952.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.
2. Withdrawal of certain sums from and out of the Consolidated Fund of the State.
3. Appropriation.

SCHEDULE.

BOMBAY ACT No. IV OF 1952.[1]

[THE BOMBAY APPROPRIATION (VOTE ON ACCOUNT) ACT, 1952.]

[*16th February 1952*]

An Act to provide for the withdrawal of certain sums from and out of the Consolidated Fund of the State of Bombay for the service of the year beginning on the 1st day of April 1952.

WHEREAS it is expedient to withdraw certain sums from and out of the Consolidated Fund of the State of Bombay for the service of the year beginning on the 1st day of April 1952 ; It is hereby enacted as follows :—

1. This Act may be called the Bombay Appropriation (Vote on Account) Act, 1952. Short title.

2. From and out of the Consolidated Fund of the State of Bombay there may be withdrawn sums not exceeding those specified in column 4 of the Schedule amounting in the aggregate to the sum of Rupees 99,09,08,000 towards defraying the several charges which will come in course of payment during the year beginning on the 1st day of April 1952. Withdrawal of certain sums from and out of the Consolidated Fund of the State.

3. The sums authorised to be withdrawn from and out of the Consolidated Fund of the State of Bombay by this Act shall be appropriated for the services and purposes expressed in the schedule in relation to the said year. Appropriation.

SCHEDULE.

(*See* sections 2 and 3.)

Serial No.	Services and purposes	Heads of Accounts	Sums not exceeding		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3		4	
			Rs.	Rs.	Rs.
1	Land Revenue ..	7, Land Revenue ..	44,18,000	....	44,18,000
2	State Excise ..	8, State Excise ..	16,56,000	....	16,56,000
3	Stamps	9, Stamps ..	1,87,000	....	1,87,000
4	Forest	10, Forest ..	41,15,000	....	41,15,000

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1952, Part V, pages 20-21.

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3		4	
			Rs.	Rs.	Rs.
5	Registration ..	11, Registration ..	5,17,000	....	5,17,000
6	Charges on account of Motor Vehicles Acts.	12, Charges on account of Motor Vehicles Acts.	4,44,000	2,33,000	6,77,000
7	Other Taxes and Duties.	13, Other Taxes and Duties.	12,44,000	....	12,44,000
8	Irrigation (including working expenses).	XVII—*Deduct*—Working expenses, "18, Other revenue expenditure financed from ordinary revenues" and "19, Construction of Irrigation, Navigation, Embankment and Drainage Works".	38,54,000	....	38,54,000
9	Interest on debt and other obligations.	22, Interest on debt and other obligations.	....	35,36,000	35,36,000
10	Appropriation for reduction or avoidance of debt.	23, Appropriation for reduction or avoidance of debt.	....	97,92,000	97,92,000
11	General Administration.	25, General Administration.	1,44,69,000	3,17,000	1,47,86,000
12	Administration of Justice.	27, Administration of Justice.	61,98,000	7,52,000	69,50,000
13	Jails and Convict Settlements.	28, Jails and Convict Settlements.	26,08,000	....	26,08,000
14	Police ..	29, Police ..	3,07,44,000	....	3,07,44,000
15	Ports and Pilotage ..	30, Ports & Pilotage	90,000	....	90,000
16	Dangs District ..	33-A, Dangs District	11,12,000	....	11,12,000
17	Scientific Departments.	36, Scientific Departments.	2,91,000	....	2,91,000
18	Education ..	37, Education ..	4,26,79,000	....	4,26,79,000
19	Medical ..	38, Medical ..	89,88,000	....	89,88,000
20	Public Health ..	39, Public Health ..	70,69,000	....	70,69,000
21	Agriculture ..	40, Agriculture ..	58,77,000	....	58,77,000
22	Veterinary ..	41, Veterinary ..	15,57,000	....	15,57,000
23	Co-operation ..	42, Co-operation ..	34,33,000	....	34,33,000

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3		4	
			Rs.	Rs.	Rs.
24	Industries ..	43, Industries ..	25,49,000	....	25,49,000
25	Miscellaneous Departments (except labour).	47, Miscellaneous Departments.	1,13,81,000	....	1,13,81,000
26	Labour ..	47, Miscellaneous Departments.	12,35,000	....	12,35,000
27	Civil Works ..	50, Civil Works ..	1,50,64,000	1,45,000	1,52,09,000
28	Bombay Development Scheme.	51, Bombay Development Scheme.	4,80,000	....	4,80,000
29	Electricity Schemes ..	XLI, Receipts from Electricity Schemes—*Deduct*—Working Expenses.	15,21,000	....	15,21,000
30	Other Revenue Expenditure connected with Electricity Schemes.	52-A, Other Revenue Expenditure connected with Electricity Schemes.	7,49,000	....	7,49,000
31	Capital Outlay on Electricity Schemes.	53, Capital Outlay on Electricity Schemes.	8,000	....	8,000
32	Famine ..	54, Famine ..	50,00,000	....	50,00,000
33	Territorial and Political Pensions.	54-A, Territorial and Political Pensions.	6,000	....	6,000
34	Privy Purses and Allowances of Rulers of Indian State.	54-B, Privy Purses and Allowances of Rulers of Indian States.	5,19,000	....	5,19,000
35	Superannuation allowances and pensions.	55, Superannuation allowances and pensions.	77,68,000	1,73,000	79,41,000
36	Stationery and Printing.	56, Stationery and Printing.	29,48;000	....	29,48,000
37	Miscellaneous ..	57, Miscellaneous ..	1,26,33,000	....	1,26,33,000
38	Extraordinary Charges .	63, Extraordinary Charges.	3,000	....	3,000
39	Civil Defence ..	64-B, Civil Defence.	35,000	....	35,000
		Total Expenditure on Revenue Account (including Revenue Expenditure and Capital Expenditure with Revenue Account).	20,34,49,000	1,49,48,000	21,83,97,000

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3		4	
			Rs.	Rs.	Rs.
40	Irrigation ..	68, Construction of Irrigation, etc., Works.	97,54,000	....	97,54,000
41	Public Health ..	70, Capital Outlay on Improvement of Public Health.	20,79,000	....	20,79,000
42	Schemes of Agricultural Improvement and Research.	71, Capital Outlay on Agricultural Improvement and Research.	50,00,000	....	50,00,000
43	Industrial Development.	72, Capital Outlay on Industrial Development.	3,00,000	....	3,00,000
44	Bombay Development Scheme.	80, Bombay Development Scheme.	3,000	....	3,000
45	Civil Works ..	81, Capital Account of Civil Works outside the Revenue Account.	30,66,000	....	30,66,000
46	Electricity Schemes ..	81-A, Capital Outlay on Electricity Scheme.	1,17,42,000	....	1,17,42,000
47	Housing for displaced persons and Milk Scheme.	82, Capital Account of other State Works outside the Revenue Account.	1,13,00,000	....	1,13,00,000
48	Payments of commuted value of Pensions.	83, Payments of commuted value of Pensions.	3,19,000	....	3,19,000
49	State Schemes connected with State Trading.	85-A, Capital Outlay on State Schemes of State Trading.	71,09,78,000	11,59,000	71,21,37,000
		Total Capital Expenditure outside the Revenue Account.	75,45,41,000	11,59,000	75,57,00,000
50	Loans from the Central Government.	Loans from the Central Government.	....	7,77,000	7,77,000
51	Loans and Advances bearing interest.	Loans and Advances by State Government.	1,60,34,000	....	1,60,34,000
		Total Disbursements under Debt Heads.	1,60,34,000	7,77,000	1,68,11,000
		Grand Total	97,40,24,000	1,68,84,000	99,09,08,000

THE CODE OF CRIMINAL PROCEDURE (BOMBAY AMENDMENT) ACT, 1952.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title and commencement.
2. Amendment of section 305 of Act V of 1898.
3. Amendment of section 306 of Act V of 1898.

BOMBAY ACT No. VI OF 1952,[1]

[THE CODE OF CRIMINAL PROCEDURE (BOMBAY AMENDMENT) ACT, 1952.]

[*15th March 1952*]

An Act to amend the Code of Criminal Procedure, 1898, in its application to the State of Bombay.

V of 1898. WHEREAS it is expedient to amend the Code of Criminal Procedure, 1898, in its application to the State of Bombay, for the purposes hereinafter appearing; It is hereby enacted as follows :—

Short title and commencement.

1. (*1*) This Act may be called the Code of Criminal Procedure (Bombay Amendment) Act, 1952.

(*2*) It shall come into force on such date as the State Government may by notification in the *Official Gazette* appoint.

Amendment of section 305 of Act V of 1898.

2. In sub-section (*1*) of section 305 and in the marginal note to the said section of the Code of Criminal Procedure, 1898, in its application to the State of Bombay (hereinafter referred to as the said Code), the words " or the Court of Session for Greater Bombay " shall be deleted.

V of 1898.

Amendment of section 306 of Act V of 1898.

3. In sub-section (*1*) of section 306 of the said Code, the words " other than the Court of Session for Greater Bombay " shall be deleted.

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1952, Part V, page 2.

THE BOMBAY MINISTERS' SALARIES AND ALLOWANCES ACT, 1952.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title and commencement.
2. Definitions.
3. Salaries of Ministers.
4. Residences of Ministers.
5. Conveyances for Ministers.
6. Salaries of Deputy Ministers.
7. Residences of Deputy Ministers.
8. Conveyance allowance for Deputy Ministers.
9. Travelling and daily allowances.
10. Medical attendance.
11. Sumptuary allowance to Chief Minister.
12. Ministers and Deputy Ministers not entitled to salaries and allowances as members of State Legislature.
13. Deputy Ministers not disqualified.
14. Power of State Government to make rules and orders.
15. Repeal.

BOMBAY ACT No. VII OF 1952.[1]

[THE BOMBAY MINISTERS' SALARIES AND ALLOWANCES ACT, 1952.]

[*10th May 1952.*]

An Act to provide for the salaries and allowances of the Ministers of the Government of Bombay and certain other matters.

WHEREAS it is expedient to provide for the determination of the salaries and allowances of the Ministers of the Government of Bombay and other matters as hereinafter specified ; It is hereby enacted as follows :—

Short title and commencement.

1. (*1*) This Act may be called the Bombay Ministers' Salaries and Allowances Act, 1952.

(*2*) It shall be deemed to have come into force on and from the 21st day of April 1952.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*a*) " Minister " and " Deputy Minister " mean respectively Minister and Deputy Minister of the Government of Bombay and " Minister " includes the Chief Minister ;

(*b*) " residence " includes the staff quarters and other buildings appurtenant thereto and the gardens thereof ;

(*c*) " maintenance " in relation to a residence includes the payment of rates and taxes due to Government or any local authority and the provision of electricity, gas and water ;

(*d*) " rules or orders " means rules or orders respectively made under this Act.

Salaries of Ministers.

3. There shall be paid to each Minister a salary of Rs. 1,100 per month.

Residences of Ministers.

4. (*1*) Each Minister shall be entitled, without payment of rent, to the use of—

(*a*) a furnished residence in Bombay throughout his term of office and for a period of fifteen days immediately thereafter, or in lieu of such residence a house allowance at the rate of Rs. 250 per month, and

(*b*) a furnished residence at such other place as the State Government may from time to time for the purposes of this Act declare to be the head quarters of Government and for such period as may be specified in such declaration, or in lieu of such residence a house allowance at the rate of Rs. 250 per month.

(*2*) No charge shall fall on the Minister personally in respect of the maintenance of any residence provided under this section.

(*3*) The expenditure on furnishing the residences provided under this section shall be on such scales as the State Government may by rules or orders determine.

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1952, Part V, p. 29.

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Conveyances for Ministers.

5. (*1*) The State Government may, from time to time, for the use of the Ministers purchase and provide motor cars and other suitable conveyances, upon such conditions as regards their maintenance and repairs as may be determined by rules or orders made in this behalf.

(*2*) There shall also be paid to each Minister a conveyance allowance at the rate of Rs. 250 per month.

Salaries of Deputy Ministers.

6. There shall be paid to each Deputy Minister a salary of Rs. 750 per month.

Residences of Deputy Ministers.

7. (*1*) Each Deputy Minister shall be entitled, without payment of rent, to the use of—

(*a*) a furnished residence in Bombay throughout his term of office and for a period of fifteen days immediately thereafter, or in lieu of such residence a house allowance at the rate of Rs. 150 per month, and

(*b*) a furnished residence at such other place as the State Government may from time to time for the purposes of this Act declare to be the head quarters of Government and for such period as may be specified in such declaration, or in lieu of such residence a house allowance at the rate of Rs. 150 per month.

(*2*) No charge shall fall on the Deputy Minister personally in respect of the maintenance of any residence provided under this section.

(*3*) The expenditure on furnishing the residences provided under this section shall be on such scales as the State Government may by rules or orders determine.

Conveyance allowance for Deputy Ministers.

8. There shall be paid to each Deputy Minister a conveyance allowance at the rate of Rs. 200 per month.

Travelling and daily allowances.

9. The Ministers and Deputy Ministers shall be entitled to travelling and daily allowances while touring on public business at such rates and upon such conditions as may be prescribed by rules or orders made by the State Government.

Medical attendance.

10. Subject to rules or orders made by the State Government, a Minister and a Deputy Minister and the members of the family of the Minister or the Deputy Minister, as the case may be, who are residing with and dependent on him, shall be entitled free of charge, to accommodation in hospitals maintained by the State Government and to medical attendance and treatment.

Explanation.—For the purposes of this section " a member of the family " means the husband, wife, son, daughter, father, mother, brother or sister.

Sumptuary allowance to Chief Minister.

11. There shall be placed at the disposal of the Chief Minister a sum of Rs. 9,000 per year as sumptuary allowance.

Ministers and Deputy Ministers not entitled to salaries and allowances as members of State Legislature.

12. Notwithstanding anything contained in the Bombay Legislature Members' Daily Allowance Act, 1950, or the Bombay Legislature Members' Travelling Allowance Act, 1950, or any law for the time being in force determining the salaries and allowances of the members of the State Legislature, a Minister or a Deputy Minister shall not be entitled to receive any salary or allowances under such law, although he is a member of the Bombay Legislative Assembly or the Bombay Legislative Council.

Bom. XXI of 1950. Bom. XLV of 1950.

Deputy Ministers not disqualified.

13. For the avoidance of doubt, it is hereby declared that a person shall not be disqualified for being chosen as, or for being, a member of the Bombay Legislative Assembly or the Bombay Legislative Council merely by reason of the fact that he holds the office of a Deputy Minister.

Power of State Government to make rules and orders.

14. (*1*) The State Government may make rules or orders for the purposes of this Act.

(*2*) Rules or orders made under this Act shall have effect as if enacted in this Act.

Repeal.

Bom. IV of 1937.

15. The Bombay Ministers' Salaries Act, 1937, is hereby repealed.

THE BOMBAY LEGISLATIVE COUNCIL (CHAIRMAN AND DEPUTY CHAIRMAN) AND THE BOMBAY LEGISLATIVE ASSEMBLY (SPEAKER AND DEPUTY SPEAKER) SALARIES AND ALLOWANCES ACT, 1952.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title and commencement.
2. Definitions.
3. Salaries of Chairman and Speaker.
4. Residences of Chairman and Speaker.
5. Conveyances for Chairman and Speaker.
6 Travelling and daily allowances.
7. Medical attendance.
8. Chairman and Speaker not to practise any profession or engage in any trade, etc.
9. Chairman and Speaker not entitled to salaries and allowances as members of State Legislature.
10. Salaries of Deputy Chairman and Deputy Speaker.
11. Deputy Chairman and Deputy Speaker not debarred from receiving salaries and allowances as members of State Legislature.
11A. Allowances to Deputy Chairman and Deputy Speaker in other cases.
12. Power of State Government to make rules and orders.
13. Repeal.

BOMBAY ACT No. VIII OF 1952.[1]

[THE BOMBAY LEGISLATIVE COUNCIL (CHAIRMAN AND DEPUTY CHAIRMAN) AND THE BOMBAY LEGISLATIVE ASSEMBLY (SPEAKER AND DEPUTY SPEAKER) SALARIES AND ALLOWANCES ACT, 1952.]

[*10th May 1952*]

Amended by Bom. 42 of 1954.*

An Act to provide for the salaries and allowances of the Chairman and the Deputy Chairman of the Bombay Legislative Council and the Speaker and the Deputy Speaker of the Bombay Legislative Assembly and certain other matters.

WHEREAS it is expedient to provide for the determination of the salaries and allowances of the Chairman and the Deputy Chairman of the Bombay Legislative Council and the Speaker and the Deputy Speaker of the Bombay Legislative Assembly and other matters as hereinafter specified; It is hereby enacted as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Bombay Legislative Council (Chairman and Deputy Chairman) and the Bombay Legislative Assembly (Speaker and Deputy Speaker) Salaries and Allowances Act, 1952.

(*2*) It shall be deemed to have come into force on and from the 5th day of May 1952.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*a*) "Assembly" means the Bombay Legislative Assembly;

(*b*) "Council" means the Bombay Legislative Council;

(*c*) "Chairman" means the Chairman of the Council;

(*d*) "Speaker" means the Speaker of the Assembly;

(*e*) "Deputy Chairman" means the Deputy Chairman of the Council;

(*f*) "Deputy Speaker" means the Deputy Speaker of the Assembly;

(*g*) "residence" includes the staff quarters and other buildings appurtenant thereto and the gardens thereof;

(*h*) "maintenance" in relation to a residence includes the payment of rates and taxes due to Government or any local authority and the provision of electricity gas and water;

(*i*) "rules or orders" means rules or orders respectively made under this Act.

Salaries of Chairman and Speaker.

3. There shall be paid to the Chairman and the Speaker each a salary of Rs. 1,100 per month.

Residences of Chairman and Speaker.

4. (*1*) The Chairman and the Speaker each shall be entitled, without payment of rent, to the use of—

(*a*) a furnished residence in Bombay throughout his term of office and for a period of fifteen days immediately thereafter, or in lieu of such residence a house allowance at the rate of Rs. 250 per month, and

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[1] For Statement of Objects and Reasons *see Bombay Government Gazette*, 1952, Part V, p. 33

*Sub-section (*2*) of section 1 reads as follows:

(*2*) It shall be deemed to have come into force on and from the 1st day of October 1953.

(*b*) a furnished residence at such other place as the State Government may from time to time for the purposes of this Act declare to be the head quarters of Government and for such period as may be specified in such declaration, or in lieu of such residence a house allowance at the rate of Rs. 250 per month.

(*2*) No charge shall fall on the Chairman or the Speaker personally in respect of the maintenance of any residence provided under this section.

(*3*) The expenditure on furnishing the residences provided under this section shall be on such scales as the State Government may by rules or orders determine.

Conveyances for Chairman and Speaker.

5. (*1*) The State Government may, from time to time, for the use of the Chairman and the Speaker purchase and provide motor cars and other suitable conveyances, upon such conditions as regards their maintenance and repairs as may be determined by rules or orders made in this behalf.

(*2*) There shall also be paid to the Chairman and the Speaker each a conveyance allowance at the rate of Rs. 250 per month.

Travelling and daily allowances.

6. The Chairman and the Speaker shall be entitled to travelling and daily allowances while touring on public business at such rates and upon such conditions as may be prescribed by rules or orders made by the State Government.

Medical attendance.

7. Subject to rules or orders made by the State Government, the Chairman and the Speaker and the members of the family of the Chairman or the Speaker, as the case may be, who are residing with and dependent on him, shall be entitled, free of charge, to accommodation in hospitals maintained by the State Government and to medical attendance and treatment.

Explanation.—For the purposes of this section, "a member of the family" means the husband, wife, son, daughter, father, mother, brother or sister.

Chairman and Speaker not to practise any profession or engage in any trade, etc.

8. The Chairman and the Speaker shall not practise any profession or engage in any trade or undertake for remuneration any employment other than their duties as Chairman and Speaker, respectively.

Chairman and Speaker not entitled to salaries and allowances as members of State Legislature.

9. Notwithstanding anything contained in the Bombay Legislature Members' Daily Allowance Act, 1950, or the Bombay Legislature Members' Travelling Allowance Act, 1950, or any law for the time being in force determining the salaries and allowances of the members of the State Legislature, the Chairman and the Speaker shall not be entitled to receive any salary or allowances under such law, although such Chairman or Speaker is a member of the Bombay Legislative Council or the Bombay Legislative Assembly. Bom. XXI of 1950. Bom. XLV of 1950.

Salaries of Deputy Chairman and Deputy Speaker.

10. There shall be paid to the Deputy Chairman and the Deputy Speaker each a salary of Rs. 300 per month.

Deputy Chairman and Deputy Speaker not debarred from receiving salaries and allowances as members of State Legislature.

11. Nothing in this Act shall be deemed to debar the Deputy Chairman or the Deputy Speaker from being entitled to receive any salary or allowances as a member of the State Legislature under the Bombay Legislature Members' Daily Allowance Act, 1950, or the Bombay Legislature Members' Travelling Allowance Act, 1950, or any law for the time being in force determining the salaries and allowances of the members of the State Legislature.

Bom. XXI of 1950.

Bom. XLV of 1950.

Allowances to Deputy Chairman and Deputy Speaker in other cases.

[1][**11A.** Subject to the provisions of section 11, the Deputy Chairman and the Deputy Speaker shall be entitled to travelling and daily allowances while touring on public business at such rates and upon such conditions as may be prescribed by rules or orders made by the State Government.]

Power of State Government to make rules and orders.

12. (*1*) The State Government may make rules or orders for the purposes of this Act.

(*2*) Rules or orders made under this Act shall have effect as if enacted in this Act.

Repeal.

13. The Bombay Legislative Council (President and Deputy President) and the Bombay Legislative Assembly (Speaker and Deputy Speaker) Salaries Act, 1937, is hereby repealed.

Bom. II of 1937.

[1] This section was inserted by Bom. 42 of 1954, s. 2. This section came into force on and from the 1st day of October 1953. [See s. 1 (*2*) of Bom. 4 of 1954].

THE BOMBAY APPROPRIATION ACT, 1952.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.
2. Issue of Rs. 2,92,97,74,800 out of the Consolidated Fund of the State of Bombay for the year 1952-53.
3. Appropriation.

SCHEDLUE.

BOMBAY ACT No. X OF 1952.[1]

[THE BOMBAY APPROPRIATION ACT, 1952.]

[*30th July 1952*]

An Act to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State of Bombay to the service of the year ending on the thirty-first day of March, 1953.

WHEREAS by virtue of article 204 of the Constitution of India it is necessary to provide for the passing of an Appropriation Act for the appropriation of sums from and out of the Consolidated Fund of the State of Bombay to the service of the year ending on the thirty-first day of March, 1953 ; and for the purpose of authorising payment of the said sums ; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Bombay Appropriation Act, 1952.

Issue of Rs. 2,92,97,74,800 out of the Consolidated Fund of the State of Bombay for the year 1952-53.

2. From and out of the Consolidated Fund of the State of Bombay, there may be paid and applied sums not exceeding those specified in column 4 of the Schedule hereto annexed amounting in the aggregate [inclusive of the sums specified in column 4 of the Schedule to the Bombay Appropriation (Vote on Account) Act, 1952] to the sum of Rupees 2,92,97,74,800 towards defraying the several charges which will come in course of payment during the year ending on the thirty-first day of March, 1953, in respect of the services and purposes specified in column 2 of the Schedule to this Act.

Bom. IV of 1952.

Appropriation

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Bombay by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thirty-first day of March, 1953.

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1952, Part V, p. 144.

SCHEDULE.

(*See* sections 2 and 3.)

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding— Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total
1	2	3		4	
			Rs.	Rs.	Rs.
1	Land Revenue ...	7, Land Revenue ...	1,76,01,000	.....	1,76,01,000
2	State Excise ...	8, State Excise ...	46,46,000	.....	46,46,000
3	Stamps ...	9, Stamps ...	5,60,000	.....	5,60,000
4	Forest ...	10, Forest ...	1,23,46,000	33,000	1,23,79,000
5	Registration ...	11, Registration ...	15,51,000	.....	15,51,000
6	Charges on account of Motor Vehicles Acts.	12, Charges on account of Motor Vehicles Acts.	13,33,000	1,03,80,000	1,17,13,000
7	Other Taxes and Duties	13, Other Taxes and Duties.	37,31,000	45,35,000	82,66,000
8	Interest on works for which capital accounts are kept—Irrigation Works.	17, Interest on works for which capital accounts are kept—Irrigation Works.	.....	72,64,000	72,64,000
9	Irrigation (including working expenses).	XVII—*Deduct*—Working expenses and 18, Other revenue expenditure financed from ordinary revenues.	1,15,61,900*	.....	1,15,61,900
10	Interest on debt and other obligations.	22, Interest on debt and other obligations.	.....	61,84,000	61,84,000
11	Appropriation for reduction or avoidance of debt.	23, Appropriation for reduction or avoidance of debt.	.....	1,05,12,000	1,05,12,000
		Carried over ...	5,33,29,900	3,89,08,000	9,22,37,900

*Made up as shown below :—

	Rs.
XVII—*Deduct*—Working Expenses	28,41,000
18, Other revenue expenditure financed from ordinary revenues—Public Works.	69,81,400
Do. do. do. do Civil ...	17,39,500
	1,15,61,900

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding— Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3		4	
			Rs.	Rs.	Rs.
		Brought forward ..	5,33,29,900	3,89,08,000	9,22,37,900
12	General Administration.	25. General Administration.	3,79,04,000	9,52,000	3,88,56,000
13	Administration of Justice.	27, Administration of Justice.	1,85,95,000	22,57,000	2,08,52,000
14	Jails and Convict Settlements.	28, Jails and Convict Settlements.	78,24,000	....	78,24,000
15	Police ..	29, Police ..	9,22,33,000	....	9,22,33,000
16	Ports and Pilotage ..	30, Ports and Pilotage.	2,70,000	....	2,70,000
17	Dangs ..	33-A. Dangs District..	33,35,000	....	33,35,000
18	Scientific Departments	36, Scientific Departments.	8,73,000	....	8,73,000
19	Education ..	37, Education ..	12,80,37,000	....	12,80,37,000
20	Medical ..	38, Medical ..	2,69,64,000	....	2,69,64,000
21	Public Health ..	39, Public Health ..	1,91,55,000	....	1,91,55,000
22	Agriculture ..	40, Agriculture ..	1,64,81,000	....	1,64,81,000
23	Veterinary ..	41, Veterinary ..	29,68,100	....	29,68,100
24	Co-operation ..	42, Co-operation ..	88,00,000	....	88,00,000
25	Industries ..	43, Industries ..	76,47,000	....	76,47,000
26	Industrial Development.	43-A, Capital Outlay on Industrial Development.	1,98,000	....	1,98,000
27	Miscellaneous Departments (except Labour)	47, Miscellaneous Departments.	2,89,17,600	....	2,89,17,600
28	Labour ..	47, Miscellaneous Departments.	37,06,400	....	37,06,400
29	Civil Works ..	50, Civil Works ..	4,51,90,900‡	4,33,600	4,56,24,500
		Carried over ..	50,24,28,900	4,25,50,600	54,49,79,500

‡ Made up as shown below:—

	Voted.	*Charged.*
	Rs.	Rs.
50, Civil Works	3,98,95,400	4,33,600
XVII—*Deduct*—Working Expenses—		
Establishment	4,08,000	....
Tools and Plant	17,000	....
18, Other Revenue Expenditure—		
Establishment	11,77,100	....
Tools and Plant	98,000	....
XLI—Receipts from Electricity Schemes—		
Deduct—Working Expenses—		
Establishment	4,400	....
Tools and Plant	400	....
51, Bombay Development Scheme—		
Establishment	1,97,600	....
Tools and Plant	16,400	....
68, Construction of Irrigation, etc., works—		
Establishment	14,60,500	....
Tools and Plant	1,21,800	....
80, Bombay Development Scheme—Establishment	400	....
81, Capital Account of Civil Works, etc.—		
Establishment	16,55,900	....
Tools and plant	1,38,000	....
	4,51,90,900	4,33,600

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding— Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3		4	
			Rs.	Rs.	Rs.
		Brought forward ..	50,24,28,900	4,25,50,600	54,49,79,500
30	Bombay Development Scheme.	51, Bombay Development Scheme.	14,41,000	....	14,41,000
31	Electricity Schemes ..	XLI—Receipts from Electricity Scheme—*Deduct*—Working expenses.	45,61,800	....	45,61,800
32	Other Revenue Expenditure etc.	52-A, Other Revenue Expenditure connected with Electricity Schemes.	3,000	....	3,000
33	Electricity Schemes ..	53, Capital Outlay on Electricity Schemes.	2,50,25,000	....	2,50,25,000
34	Famine ..	54, Famine ..	61,00,000	....	61,00,000
35	Political Pensions ..	54-A, Territorial and Political Pensions.	18,000	....	18,000
36	Privy Purses and allowances of Indian Rulers.	54-B, Privy Purses and allowances of Indian Rulers.	15,57,000	....	15,57,000
37	Superannuation Allowances and Pensions.	55, Superannuation Allowances and Pensions.	2,33,05,000	5,18,000	2,38,23,000
38	Stationery and Printing.	56, Stationery and Printing.	88,44,000	....	88,44,000
39	Miscellaneous ..	57, Miscellaneous ..	2,47,90,000	....	2,47,90,000
40	Extraordinary Charges.	63, Extraordinary Charges.	3,000	....	3,000
41	Civil Defence ..	64-B, Civil Defence ..	3,000	....	3,000
		Total Expenditure on revenue account (including Revenue Expenditure and Capital Expenditure within Revenue Account).	59,80,79,700	4,30,68,600	64,11,48,300
42	Irrigation ...	68, Construction of Irrigation, etc., Works.	1,92,60,700	.....	1,92,60,700
43	Public Health ...	70, Capital Outlay on Improvement of Public Health.	62,36,000	.....	62,36,000
44	Agricultural Improvement and Research.	71, Capital Outlay on Schemes of Agricultural Improvement and Research.	1,50,00,000	.....	1,50,00,000
45	Industrial Development.	72, Capital Outlay on Industrial Development.	12,50,000	....	12,50,000
		Carried over ..	4,17,46,700	....	4,17,46,700

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding— Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3		4	
			Rs.	Rs.	Rs.
		Brought forward ..	4,17,46,700	.....	4,17,46,700
46	Bombay Development Scheme.	80, Bombay Development Scheme.	8,300	.....	8,300
47	Civil Works ..	81, Capital Account of Civil Works outside the Revenue Account.	91,98,100	....	91,98,100
48	Electricity Schemes ..	81-A, Capital Outlay on Electricity Schemes.	1,28,82,000	....	1,28,82,000
49	Housing for Displaced Persons and Milk Scheme.	82, Capital Account of other State Works outside the Revenue Account.	3,00,44,000	....	3,00,44,000
50	Payments of Commuted value of Pensions.	83, Payments of Commuted value of Pensions.	9,58,000	....	9,58,000
51	State Scheme connected with the State Trading.	85-A, Capital Outlay on State Schemes of State Trading.	2,13,29,32,400	34,78,000	2,13,64,10,400
		Total Capital Expenditure outside the Revenue Account.	2,22,77,69,500	34,78,000	2,23,12,47,500
52	Loans from the Central Government.	Loans from the Central Government.	....	92,78,000	92,78,000
53	Loans and Advances bearing interest.	Loans and Advances by State Government.	4,81,01,000	....	4,81,01,000
		Total Disbursement under Debt Heads.	4,81,01,000	92,78,000	5,73,79,000
		Grand Total .	2,87,39,50,200	5,58,24,600	2,92,97,74,800

Mo-v Bk H 118—2a

THE PRESIDENCY SMALL CAUSE COURTS (BOMBAY AMENDMENT) ACT, 1952.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title and commencement.
2. Amendment of section 18 of Act XV of 1882.
3. Amendment of section 20 of Act XV of 1882.
4. Amendment of section 22 of Act XV of 1882.
5. Amendment of section 41 of Act XV of 1882.
6. Amendment of section 92 of Act XV of 1882.
7. Amendment of Fourth Schedule to Act XV of 1882.

BOMBAY ACT No. XVII OF 1952.[1]

[THE PRESIDENCY SMALL CAUSE COURTS (BOMBAY AMENDMENT) ACT, 1952.]

[*29th August 1952*]

An Act to amend the Presidency Small Cause Courts Act, 1882, in its application to the State of Bombay.

XV of 1882. WHEREAS it is expedient to amend the Presidency Small Cause Courts Act, 1882, in its application to the State of Bombay, for the purposes hereinafter appearing; It is hereby enacted as follows :—

Short title and commencement.

1. (*1*) This Act may be called the Presidency Small Cause Courts (Bombay Amendment) Act, 1952.

(*2*) It shall come into force on such date as the State Government may by notification in the *Official Gazette* specify.

Amendment of section 18 of Act XV of 1882.

XV of 1882. **2.** In section 18 of the Presidency Small Cause Courts Act, 1882 (hereinafter called the said Act), for the words " two thousand rupees ", wherever they occur, the words " three thousand rupees " shall be substituted.

Amendment of section 20 of Act XV of 1882.

3. In section 20 of the said Act, for the words " two thousand rupees ", wherever they occur, the words " three thousand rupees " shall be substituted.

Amendment of section 22 of Act XV of 1882.

4. In section 22 of the said Act, in clause (*c*), for the words " two thousand rupees " the words " three thousand rupees " shall be substituted.

Amendment of section 41 of Act XV of 1882.

5. In section 41 of the said Act, for the words " two thousand rupees " the words " three thousand rupees " shall be substituted.

Amendment of section 92 of Act XV of 1882.

6. In section 92 of the said Act, for the words " State Government " the words " High Court " shall be substituted.

Amendment of Fourth Schedule to Act XV of 1882.

7. In the Fourth Schedule to the said Act, the following entries shall be added at the end, namely :—

" 2,000	2,100	4 10 0	15 8 0
2,100	2,200	4 12 0	16 0 0
2,200	2,300	4 14 0	16 8 0
2,300	2,400	5 0 0	17 0 0
2,400	2,500	5 2 0	17 8 0
2,500	2,600	5 4 0	18 0 0
2,600	2,700	5 6 0	18 8 0
2,700	2,800	5 8 0	19 0 0
2,800	2,900	5 10 0	19 8 0
2,900	3,000	5 12 0	20 0 0 "

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1952, Part V, pp. 57-58.

THE BOMBAY (SECOND SUPPLEMENTARY) APPROPRIATION ACT, 1952.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short tile.
2. Issue of Rs. 15,87,16,763 out of the Consolidated Fund of the State of Bombay for the years 1951-52 and 1952-53.
3. Appropriation.

SCHEDULE.

BOMBAY ACT No. XVIII OF 1952.[1]

[THE BOMBAY (SECOND SUPPLEMENTARY) APPROPRIATION ACT, 1952.]

[*30th August 1952*]

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Bombay for recoupment of the Contingency Fund for the amounts advanced from the Contingency Fund to the service of the year ended on the thirty-first day of March 1952 and to authorise payment and appropriation of certain further sums from and out of the said Consolidated Fund to the service of the year ending on the thirty-first day of March 1953.

WHEREAS by virtue of Article 204 of the Constitution of India, read with Article 205 thereof, it is necessary for the passing of an Appropriation Act for the appropriation of further sums from and out of the Consolidated Fund of the State of Bombay for recoupment of the Contingency Fund for the amounts advanced from the Contingency Fund to the service of the year ended on the thirty-first day of March 1952 and for which no supplementary demands were made during that year and for the appropriation of certain further sums from and out of the said Consolidated Fund to the service of the year ending on the thirty-first day of March 1953 and for the purpose of authorising payment of the said sums ; It is hereby enacted as follows :—

1. This Act may be called the Bombay (Second Supplementary) Appropriation Act, 1952. Short title.

2. From and out of the Consolidated Fund of the State of Bombay, there shall be paid and applied sums not exceeding those specified in column 4 of the Schedule hereto annexed amounting in the aggregate to the sum of Rs. 15,87,16,763 towards defraying the several charges which are necessary for recoupment of the Contingency Fund for the amounts advanced from the said Fund to the service of the year ended on the thirty-first day of March 1952 and for which no supplementary demands were made during that year and towards defraying other charges which will come in course of payment during the year ending on the thirty-first day of March 1953, in respect of the services and purposes specified in column 2 of the said Schedule. Issue of Rs. 15,87,16,763 out of the Consolidated Fund of the State of Bombay for the years 1951–52 and 1952–53.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Bombay by this Act shall be appropriated for the services and purposes expressed in the said Schedule in relation to the year ended on the thirty-first day of March 1952 and the year ending on the thirty-first day of March 1953. Appropriation.

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1952, Part V, p. 168.

SCHEDULE.

(*See* sections 2 and 3.)

Serial No.	Services and Purposes.	Heads of Accounts.	Sums not exceeding		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3		4	
			Rs.	Rs.	Rs.
1	Land Revenue ..	7, Land Revenue ..	12,65,684	7,211	12,72,895
2	Forest	10, Forest ..	1,06,310	85	1,06,395
3	Other Taxes and Duties.	13, Other Taxes and Duties.	10	....	10
4	Irrigation (including working expenses).	XVII—*Deduct*—Working expenses, "18, Other revenue expenditure financed from ordinary revenues" and "19, Construction of Irrigation, Navigation, Embankment and Drainage Works".	1,03,29,010	640	1,03,29,650
5	Interest on Debt and other Obligations.	22, Interest on Debt and other Obligations.	....	10	10
6	General Administration.	25, General Administration.	34,39,950	....	34,39,950
7	Administration of Justice.	27, Administration of Justice.	1,50,020	29,750	1,79,770
8	Jails and Convict Settlements.	28, Jails and Convict Settlements.	19,19,404	....	19,19,404
9	Police	29, Police ..	7,45,837	5,418	7,51,255
10	Dangs District ..	33-A, Dangs District.	4,20,237	....	4,20,237
11	Education	37, Education ..	19,11,544	....	19,11,544
12	Medical	38, Medical ..	3,59,330	....	3,59,330
13	Public Health ..	39, Public Health ..	32,030	....	32,030

Serial No.	Services and Purposes.	Heads of Accounts.	Sums not exceeding		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3		4	
			Rs.	Rs.	Rs.
14	Agriculture.. ..	40, Agriculture ..	64,56,855	....	64,56,855
15	Veterinary	41, Veterinary ..	1,83,010	....	1,83,010
16	Co-operation ..	42, Co-operation ..	44,130	....	44,130
17	Industries	43, Industries ..	68,820	....	68,820
18	Miscellaneous Departments (except Labour).	47, Miscellaneous Departments.	1,00,010	....	1,00,010
19	Labour	47, Miscellaneous Departments.	5,53,427	....	5,53,427
20	Civil Works ..	50, Civil Works ..	78,77,148	34,673	79,11,821
21	Bombay Development Scheme.	51, Bombay Development Scheme..	25,000	....	25,000
22	Other Revenue Expenditure connected with Electricity Schemes.	52-A, Other Revenue Expenditure connected with Electricity Schemes.	4,961	....	4,961
23	Capital Outlay on Electricity Schemes.	53, Capital Outlay on Electricity Schemes.	1,800	....	1,800
24	Stationery and Printing.	56, Stationery and Printing.	1,80,191	....	1,80,191
25	Miscellaneous ..	57, Miscellaneous ..	5,67,513	10,095	5,77,608
		Total expenditure on Revenue Account (including Revenue Expenditure and Capital Expenditure within Revenue Account).	3,67,42,231	87,882	3,68,30,113
26	Irrigation	68, Construction of Irrigation, Navigation, Embankment and Drainage Works.	3,00,010	....	3,00,010
27	Public Health ..	70, Capital Outlay on Improvement of Public Health.	5,50,000	....	5,50,000

Serial No.	Services and Purposes.	Heads of Accounts.	Sums not exceeding		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3		4	
			Rs.	Rs.	Rs.
28	Schemes of Agricultural Improvement and Research.	71, Capital Outlay on Schemes of Agricultural Improvement and Research.	10	....	10
29	Industrial Development.	72, Capital Outlay on Industrial Development.	67,48,000	....	67,48,000
30	Housing for displaced persons and Milk Scheme.	82, Capital Account of Other State Works outside the Revenue Account.	10	....	10
31	State Schemes connected with State Trading.	85-A, Capital Outlay on State Schemes of State Trading.	6,00,00,020	2,22,090	6,02,22,110
		Total Capital expenditure outside the Revenue Account.	6,75,98,050	2,22,090	6,78,20,140
32	Floating Debt ..	Floating Debt ..	....	4,00,00,000	4,00,00,000
33	Loans from the Central Government.	Loans from the Central Government.	....	7,00,000	7,00,000
34	Loans and Advances bearing interest.	Loans and Advances by State Government.	1,33,66,510	....	1,33,66,510
		Total Disbursements under Debt Heads.	1,33,66,510	4,07,00,000	5,40,66,510
		Grand Total ..	11,77,06,791	4,10,09,972	15,87,16,763

The Bombay Sales Tax Act, 1952 (Bom. XXIV of 1952) at pages 3853–3878 has been repealed by the Bombay Sales Tax Act, 1953 (Bom. III of 1953), section 50(1).

THE BOMBAY DRUGS (CONTROL) ACT, 1952.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title, extent and commencement.
2. Definitions.
3. Drugs to which this Act applies and notified drugs.
3A. Wholesale or retail business in drugs.
3B. Sale of drugs by retailer and dispense in or sale by Medical practitioners.
3C. General power of State Government in respect of licences.
3D. Power to suspend or cancel licences.
4. Fixing of maximum quantities which may be held or sold.
5. Medical practitioner and dispensing chemist not to supply notified drug for purposes other than medicinal and except under prescription.
6. Limitation on quantity of any notified drug which may be possesed at any one time.
7. Cash memorandum to be given of certain sales.
8. Prohibition or regulation of the disposal of drugs.
9. Evasion of provisions.
10. Penalty.
11. Magistrate's power to impose higher punishment.
12. Offences by corporations.
13. Inspectors and procedure.
14. Powers to search and seizure.
15. Protection of action taken in good faith.
16. Delegation.
16A. Power of State Government to exempt any class of persons institutions, etc.
17. Saving of other laws.
18. Power to make rules.

BOMBAY ACT No. XXIX OF 1952.[1]

[THE BOMBAY DRUGS (CONTROL) ACT, 1952]

[*3rd November 1952*].

Amended by Bom. 37 of 1954.

An Act to provide for the control of the possession, sale and use of certain drugs.

WHEREAS it is expedient to provide for the control of the possession, sale and use of certain drugs and for certain other purposes ; It is hereby enacted as follows :—

Short title, extent and commencement.

1. (*1*) This Act may be called the Bombay Drugs (Control) Act, 1952.

(*2*) It extends to the whole of the State of Bombay.

(*3*) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, specify in this behalf.

Definitions.

2. (*1*) In this Act, unless there is anything repugnant in the subject or context,—

[2][(*a*) " dealer " means a licensed wholesaler or retailer ;]

[3]* * * *

(*c*) " drug " means (*i*) a medicine for internal or external use of human beings or animals, or (*ii*) substances intended to be used for or in the treatment, mitigation or prevention of disease in human beings or animals,—to which medicine or substance this Act is declared to be applicable under sub-section (*1*) of section 3 ;

[4][(*c*1) " licensed retailer " means a retailer holding a licence under section 3A ;

(*c*2) " licensed wholesaler " means a wholesaler holding a licence under section 3A ;]

Bom. VI of 1912. Bom. XXVI of 1938. Bom. XLVIII of 1951. XVI of 1948. Bom. LXV-III of 1953.

(*d*) " medical practitioner " means a person registered under the Bombay Medical Act, 1912, or registered or entered on the list under the Bombay Medical Practitioners Act, 1938, or a person whose name is entered in Part A or Part B of the register of practitioners maintained under the Bombay Homoeopathic Act, 1951 [5][and includes a person whose name is entered in Part A or Part B of the register of dentists maintained under the Dentists Act, 1948, and a veterinary practitioner whose name is entered in the register maintained under the Bombay Veterinary Practitioners Act, 1953] ;

(*e*) " notified drug " means a drug which has been notified by the State Government to be a notified drug under section 3 ;

[6][(*f*) " prescribed " means prescribed by rules made under this Act ;

(*g*) " retailer " means a person who carries on the business of selling any notified drugs otherwise than for the purpose of resale and does not include a medical practitioner ;

(*h*) " wholesaler " means a person who carries on the business of selling any notified drugs for the purpose of resale.]

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1952, Part V, page 195.
[2] Clause (*a*) was substituted for the original by Bom. 37 of 1954, s. 2 (*1*).
[3] Clause (*b*) was deleted, *ibid.*, s. 2 (*2*).
[4] Clauses (*c*1) and (*c*2) were inserted, *ibid.*, s. 2 (*3*).
[5] This portion was added, *ibid.*, s. 2 (*4*).
[6] These clause were substituted for clause (*f*), *ibid.*, s. 2 (*5*).

(2) For the purposes of this Act, a person shall be deemed to be in possession of a drug, if he is in actual or constructive possession of the same and shall include a person on whose behalf or on account of whom another person is in custody of the drug.

Drugs to which this Act applies and notified drugs.

3. (1) The State Government may, by notification in the *Official Gazette*, declare any drug to be a drug to which this Act applies.

(2) If the State Government is satisfied that a drug is used in a manner injurious to health the State Government may, by notification in the *Official Gazette*, specify it as a notified drug.

Wholesale or retail business in drugs.

[1][**3A.** From such date as may be fixed by the State Government by notification in the *Official Gazette* in this behalf, no person shall carry on the business of a wholesaler or retailer or possess any notified drug for the purpose of such business except under and in accordance with the conditions of a licence granted by the Collector under this Act:

Provided that nothing in this section shall apply to the possession of any notified drug not exceeding such quantity as may be prescribed for the purposes of sample.

Sale of drugs by retailer and dispensing or sale by medical partictioner.

3B. No licensed retailer shall sell any notified drug unless such drug has been obtained by him from a licensed wholesaler, and no medical practitioner shall dispense or sell any notified drug unless such drug has been obtained by him from a licensed wholesaler or retailer.

General power of State Government in respect of licences.

3C. Notwithstanding anything contained in this Act or the rules made thereunder, the State Government may by general or special order—

(*a*) prescribe the number of places at which any notified drug specified in such order may be sold in any area;

(*b*) prescribe the procedure to be followed before granting any licence;

(*c*) specify the persons or classes of persons to whom licences under this Act may not be granted;

(*d*) issue such other instructions in any matter pertaining to the grant or otherwise of licences under this Act as it may deem proper.

Power to suspend or cancel licences.

3D. (1) The Collector may, after giving the holder of a licence granted, under this Act a reasonable opportunity of being heard, suspend his licence for such period as may be necessary or cancel the same,—

(*a*) if any fee payable by the holder thereof is not duly paid;

(*b*) in the event of any breach by the holder of such licence or by his servant or by any one acting with his express or implied permission on his behalf of any of the terms or conditions of such licence;

(*c*) if the holder thereof or any person in the employ of such holder or any person acting with his express or implied permission on his behalf is convicted of an offence under this Act, or if the holder of the licence is convicted of an offence under the Bombay Prohibition Act, 1949, the Dangerous Drugs Act, 1930 or the Drugs Act, 1940.

Bom. XXV of 1949. II of 1930. XXIII of 1940.

(2) If the licence is suspended or cancelled for any reasons, the holder thereof shall not be entitled to any compensation for such suspension or cancellation or to the refund of any fee paid in respect thereof.

[1] Sections 3A, 3B, 3C, and 3D were inserted by Bom. 37 of 1954, s. 3.

(*3*) The Collector may refuse to grant a licence to any person if—

(*a*) the licence granted to such person has been suspended or cancelled, or

(*b*) such person has been convicted of any offence punishable under this Act or under the Bombay Prohibition Act, 1949, the Dangerous Drugs Act, 1930, or the Drugs Act, 1940.

Bom. XXV of 1949. II of 1930. XXIII of 1940.

(*4* The Collector may also refuse to grant a licence to any firm of which such person is a partner or to any person to whom the business of such person has been transferred.]

Fixing of maximum quantities which may be held or sold.

4. (*1*) The State Government may, by notification in the *Official Gazette*, fix in respect of any notified drug—

(*a*) the maximum quantity which may at any one time [1][or during such period as may be specified in the notification be possessed by a licensed wholesaler or retailer].

(*b*) the maximum quantity which may in any one transaction be [2][sold by wholesale or retail] to any person.

(*2*) The State Government may also by notification in the *Official Gazette* specify the maximum quantity of a notified drug which a person in his individual capacity or as the head of a household may possess at any one time [3][or during such period as may be specified in the notification.]

Explanation.—For the purpose of this section a "household" shall mean a group of persons normally residing and messing jointly as the members of one domestic unit.

Medical practitioner and [5][licensed retailer] not to supply notified drug for purposes other than medicinal and except under prescription.

5. (*1*) A medical practitioner shall not supply any notified drug in his possession to any person for a purpose other than *bona fide* medicinal purpose and except under a prescription issued by him or another medical practitioner.

(*2*) [4][A licensed retailer] shall not supply any notified drug in his possession to any person for a purpose other than *bona fide* medicinal purpose and except on a prescription issued by a medical practitioner.

(*3*) Any prescription issued for the purposes of sub-section (*1*) or (*2*) or copies thereof and other records shall be maintained in such manner and preserved for such period as may be prescribed.

Limitation on quantity of any notified drug which may be possessed at any one time.

6. [6][No person other than a dealer or a medical practitioner] shall have in his possession at any one time a greater quantity of a notified drug than what is specified by notification issued under sub-section (*2*) of section 4.

Cash memorandum to be given of certain sales.

7. (*1*) Every dealer [7]* when selling any notified drug for cash shall give to the purchaser a cash memorandum containing particulars of the transaction.

(*2*) The State Government may, by notification in the *Official Gazette*, prescribe the particu ars to be contained in any such cash memorandum.

Prohibition or regulation of the disposal of drugs.

8. If in the opinion of the State Government it is necessary or expedient so to do, it may, by order in writing—

(*a*) prohibit the disposal of any notified drug except in such circumstances and under such conditions as may be specified in the order;

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[1] These words were substituted for the words "be possessed by a dealer or producer" by Bom. 37 of 1954, s. 4 (*1*) (*a*).
[2] These words were substituted for the word "sold" *ibid*, s. 4 (*1*) (*b*).
[3] These words were added, *ibid*, s. 4 (*2*).
[4] These words were substituted for the words "A dispensary chemist" *ibid*, s. 5 (*1*).
[5] These words were substituted for the words "dispensing chemist" *ibid*, s. 5 (*2*).
[6] These words were substituted for original, *ibid*, s. 6.
[7] The words "or producer" were deleted, *ibid*, s. 7.

(*b*) direct the sale of any notified drug to any dealer or class of dealers and in such quantities as may be specified in the order;

and make such further orders as appear to it to be necessary or expedient in connection with any order issued under this section.

Evasion of provisions.

9. No person shall wilfully give any false information or refuse to give any information lawfully demanded from him under this Act or the rules thereunder or alter by cancellation or otherwise, destroy, mutilate or deface any book or other document.

Penalty.

10. (*1*) Whoever contravenes any of the provisions of this Act or of any rule, order or notification made or issued [1][or any condition of a licence granted] thereunder or fails to comply with any directions made under authority conferred by this Act, shall, on conviction, be punished--

(*i*) for a first offence, with imprisonment for a term which may extend to one year and with fine which may extend to one thousand rupees:

Provided that in the absence of special and adequate reasons to the contrary to be mentioned in the judgment of the Court, such [2][imprisonment shall not be less than three months and] fine shall not be less than five hundred rupees;

(*ii*) for a second offence, with imprisonment for a term which may extend to two years and with fine which may extend to two thousand rupees:

Provided that in the absence of special and adequate reasons to the contrary to be mentioned in the judgment of the Court, such imprisonment shall not be less than six months and fine shall not be less than one thousand rupees;

(*iii*) for a third and subsequent offences, with imprisonment for a term which may extend to three years and with fine which may extend to five thousand rupees:

Provided that in the absence of special and adequate reasons to the contrary to be mentioned in the judgment of the Court, such imprisonment shall not be less than one year and fine shall not be less than two thousand and five hundred rupees.

(*2*) A Court convicting any person of an offence punishable under this Act may order that the whole or any part of the stock of notified drugs in respect of which the offence was committed shall be forfeited to Government [3][and the receptacles, packages and coverings in which such drugs were found, and the other contents, if any, of such receptacles or packages shall likewise be liable to confiscation].

Magistrate's power to impose higher punishment.

11. Notwithstanding anything contained in section 32 of the Code of Criminal Procedure, 1898, it shall be lawful for any Presidency Magistrate or for a Magistrate of the First Class specially empowered by the State Government in this behalf to pass any sentence authorised under section 10, in excess of his powers under section 32 of the said Code V of 1898

Offences by corporations.

12. Where a person accused of an offence punishable under this Act is a company or an association or a body of persons, whether incorporated or not, every director, manager, secretary, agent or other officer or person actively associated with the management thereof, shall, unless he proves that the offence was committed without his knowledge or that he has exercised all due diligence to prevent its commission, be deemed to be guilty of such offence.

Inspectors and procedure.

13. (*1*) The State Government may, by notification in the *Official Gazette*, appoint such persons or officers as it thinks fit, to be Inspectors for the purposes of this Act within such local limits as it may assign to them respectively.

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[1] These words were inserted by Bom. 37 of 1954, s. 8 (*1*) (*a*).
[2] These words were inserted *ibid*, s. 8 (*1*) (*b*).
[3] These words were added, *ibid*, s. 8 (*2*).

(*2*) No person or officer below the rank of an Inspector appointed under sub-section (*1*) shall investigate any offence under this Act.

(*3*) No prosecution for any offence punishable under this Act shall be instituted except with the previous sanction of the Commissioner of Police in Greater Bombay and elsewhere of the District Magistrate.

Power to search and seizure.

14. Any person competent to investigate any offence under this Act may search any place in which he has reason to believe that an offence under this Act has been, or is being committed, and take possession of any stock of notified drugs in respect of which the offence has been or is being committed and the provisions of the Code of Criminal Procedure, 1898, shall so far as may be applicable, apply to any search or seizure under this Act as they apply to any search or seizure made under the authority of a warrant issued under section 98 of that Code.

V of 1898.

Protection of action taken in good faith.

15. No suit, prosecution or other legal proceeding shall lie against any person for anything in good faith done or intended to be done under this Act.

Delegation.

16. The State Government may, by notification in the *Official Gazette*, direct that any power exercisable by it under this Act, shall, subject to such conditions, if any, as may be specified in the notification, be exercisable also by an officer specially empowered in this behalf by the State Government.

Power of State Government to exempt any class of persons, institutions, etc.

[1][**16A.** The State Government may by a special or general order exempt any class of persons or institutions from the operation of all or any of the provisions of the Act or any rules made thereunder subject to such conditions as it may deem fit to impose.]

Saving of other laws.

17. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force relating to any of the matters dealt with in this Act.

Power to make rules.

18. (*1*) The State Government may, subject to the condition of previous publication, make rules to carry out the purposes of this Act.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

[2][(*a*1) prescribing the quantity of notified drug for the purposes of sample under the proviso to section 3A ;

(*a*2) prescribing the forms of licences granted under the Act and the conditions on which such licences may be granted, the forms of application for such licences and the fees payable in respect thereof ;]

(*a*) the maintenance and preservation by [3][dealers generally or by any dealer in particular] of records and accounts of all sale and purchase transactions made by them or the stocks of notified drugs in their possession and used ;

(*b*) the maintenance and preservation of prescriptions and other records by medical practitioners and [4][licensed retailers] ;

(*c*) the furnishing of any such information as may be required with respect to the business or profession carried on by any [5][dealers or medical practitioners] ;

(*d*) the inspection of any books of account or other documents belonging to or under the control of any [6][dealers or medical practitioners] relating to notified drugs ;

(*e*) any other matter which is to be or may be prescribed under this Act.

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[1] Section 16A was inserted by Bom. 37 of 1954, s. 9.
[2] Clauses (a1) and (a2) were inserted, *ibid*, s. 10 (*1*).
[3] These words were inserted for the original, *ibid*, s. 10 (*2*).
[4] These words were substituted for the words "dispensing chemists" *ibid*, s. 10 (*3*).
[5] These words were substituted for the original, *ibid*, s. 10 (*4*).
[6] These words were substituted for the original, *ibid*, s. 10 (*5*).

THE BOMBAY DISPLACED PERSONS PRI 'ROL AND REGULATION ACT, 1952.

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BOMBAY ACT No. XXXI OF 1952.[1]

[THE BOMBAY DISPLACED PERSONS PREMISES CONTROL AND REGULATION ACT, 1952.]

[*27th November 1952*

Amended by Bom. 26 of 1955.

An Act to provide for the control and regulation of occupation of premises provided for the use and occupation of displaced persons.

WHEREAS it is expedient to provide for the control and regulation of premises provided for the use and occupation of displaced persons and for certain matters connected therewith; It is hereby enacted as follows :—

1. This Act may be called the Bombay Displaced Persons Premises Control and Regulation Act, 1952. Short title.

2. In this Act, unless the context otherwise requires,— Definitions.

[2][(*a*) " competent authority " means an officer appointed as the competent authority under section 3A ;]

(*b*) " displaced person " means any person who, on account of the setting up of the Dominions of India and Pakistan, or on account of civil disturbances or the fear of such disturbances in any area now forming part of Pakistan, has been displaced from or has left his place of residence in such area after the first day of March 1947 and who has been subsequently residing in India ;

(*c*) " displaced persons premises " means any premises allotted by the State Government for the use and occupation of displaced persons ;

[3][(*ca*) " land " includes benefits to arise out of land and things attached to the earth or permanently fastened to the earth or permanently fastened to anything attached to the earth ;]

(*d*) " premises " means any [4][land or] building or part of a building and includes—

(*i*) the garden, grounds and out-houses, if any, appertaining to such building or part of a building, and

(*ii*) any fittings affixed to such building or part of a building for the more beneficial enjoyment thereof ;

(*e*) " prescribed " means prescribed by rules made under this Act.

3. The State Government may, by notification in the *Official Gazette*, specify any premises allotted before or after the commencement of this Act for the use and occupation of displaced persons, as displaced persons premises for the purposes of this Act. The decision of the State Government under this section shall be final. Declaration of displaced persons premises.

[5][3A. The State Government may, by notification in the *Official Gazette*, appoint an officer who is holding or has held an office, which in its opinion is not lower in rank than that of a Deputy Collector, to be the competent authority for carrying out the purposes of this Act in such area as may be specified in the notification.] Appointment of Competent Authorities.

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1952, Part V, page 52.
[2] This clause was substituted for the original by Bom. 26 of 1955, s. 2 (*1*).
[3] This clause was inserted, *ibid.*, s. 2(*2*).
[4] These words were inserted, *ibid.*, s. 2(*3*).
[5] This section was inserted, *ibid.*, s. 3.

Power to evict.

4. (*1*) If the competent authority is satisfied—

(*a*) that the person authorised to occupy any displaced persons premises has, whether before or after the commencement of this Act,—

(*i*) not paid rent lawfully due from him in respect of such premises for a period of more than two months, or

(*ii*) sub-let, without the permission of the State Government or of the competent authority, the whole or any part of such premises, or

(*iii*) otherwise acted in contravention of any of the terms, expressed or implied, under which he is authorised to occupy such premises, or

(*b*) that any person is in unauthorised occupation of any displaced persons premises,

notwithstanding anything contained in any law for the time being in force, the competent authority may, by notice served (*i*) by post, or (*ii*) by affixing a copy thereof on the door or some other conspicuous part of such premises, or (*iii*) in the manner prescribed, order that that person as well as any other person who may be in occupation of the whole or any part of the premises, shall vacate them within fifteen days of the service of the notice.

[1][(*1A*) Before an order under sub-section (*1*) is made against any person, the competent authority shall inform the person by notice in writing of the grounds for which the proposed order is to be made and give him a reasonable opportunity of tendering an explanation and producing evidence, if any, and to show cause why such order should not be made within a period to be specified in such notice. If such person makes an application to the competent authority for extension of the period specified in the notice, the competent authority may grant the same on such terms as to payment and recovery of the amount claimed in the notice as he deems fit. Any written statement put in by such person and documents produced in pursuance of such notice shall be filed with the record of the case and such person shall be entitled to appear before the officer proceeding in this connection by advocate , attorney or pleader. Such notice in writing shall be served in the manner provided for service of notice under sub-section (*1*).]

(*2*) If any person refuses or fails to comply with an order made under sub-section (*1*), the competent authority may evict that person from, and take possession of, the premises, and may for that purpose use such force as may be necessary.

(*3*) If a person who has been ordered to vacate any premises under sub-section (*1*) within one month of the date of the service of the notice or such longer time as the competent authority may allow, pays to the said competent authority the rent in arrears or carries out or otherwise complies with the terms contravened by him to the satisfaction of the said competent authority, as the case may be, the said competent authority shall, in lieu of evicting such person under sub-section (*2*), cancel its order made under sub-section (*1*) and thereupon such person shall hold the premises on the same terms on which he held them immediately before such notice was served on him.

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[1] This sub-section was inserted by Bom. of 26 1955, s. 4(*1*).

[1][*Explanation.*—For the purpose of this section and section 5, the expression 'unauthorised occupation', in relation to any person authorised to occupy any displaced persons premises, includes the continuance in occupation by him or by any person claiming through or under him of the premises after the authority under which he was allowed to occupy the premises has been duly determined.]

Po rec or damages as arrears of land reve

5. (*1*) Subject to any rules made by the State Government in this behalf and without prejudice to the provisions of section 4, where any person is in arrears of rent payable in respect of any displaced persons premises, the competent authority may, by notice served (*i*) by post, or (*ii*) by affixing a copy of it on the outer door or some other conspicuous part of such premises, or (*iii*) in such other manner as may be prescribed, order that person to pay the same within such time not less than ten days as may be specified in the notice. If such person refuses or fails to pay the arrears of rent within the time specified in the notice, such arrears may be recovered as arrears of land revenue.

(*2*) Where any person is in unauthorised occupation of any displaced persons premises, the competent authority may, in the prescribed manner, assess such damages on account of the use and occupation of the premises as it may deem fit and may, by notice served (*i*) by post, or (*ii*) by affixing a copy of it on the outer door or some other conspicuous part of such premises, or (*iii*) in such other manner as may be prescribed, order that person to pay the damages within such time as may be specified in the notice. If such person refuses or fails to pay the damages within the time specified in the notice, the damages may be recovered as arrears of land revenue.

[2][(*3*) No order shall be made under sub-section (*2*) until after the issue of a notice in writing to the person calling on him to show cause, within a reasonable period to be specified in such notice, why such order should not be made, and until his objections, if any, and any evidence he may produce in support of the same have been considered by the competent authority.]

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[1] This Explanation was added, by Bom. 26 of 1955, s. 4(*2*).
[2] This sub-section was added, *ibid.* s. 5.

Rent to be recovered from deductions from salary or wages in certain cases.

6. (*1*) Without prejudice to the provisions of section 4, a displaced person who is an employee of the State Government or a local authority and who has been allotted displaced persons' premises by the State Government, may execute an agreement in favour of the State Government providing that the State Government or the local authority, as the case may be, under or by whom he is employed, shall be competent to deduct from the salary or wages payable to him such amount as may be specified in the agreement and to pay the amount so deducted to the competent authority in satisfaction of the rent due by him in respect of the displaced persons' premises allotted to him.

(*2*) On the execution of such agreement, the State Government or a local authority, as the case may be, shall, if so required by the competent authority by requisition in writing, make the deduction of the amount specified in the requisition from the salary or wages of the employee specified in the requisition in accordance with the agreement and pay the amount so deducted to the competent authority.

Appeal.

7. (*1*) Any person aggrieved by an order of the competent authority under section 4 or section 5 may, within one month of the date of the service of the notice under section 4 or section 5, as the case may be, prefer an appeal to the State Government:

Provided that the State Government may entertain the appeal after the expiry of the said period of one month, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(*2*) On receipt of an appeal under sub-section (*1*), the State Government may, after calling for a report from the competent authority, and after making such further inquiry, if any, as may be necessary, pass such orders as it thinks fit, and the orders of the State Government shall be final.

(*3*) Where an appeal is preferred under sub-section (*1*), the State Government may stay the enforcement of the order of the competent authority for such period and on such conditions as it thinks fit.

Protection of action taken in good faith.

8. No suit, prosecution or other legal proceeding shall lie against the State Government or the competent authority in respect of anything which is in good faith done or intended to be done in pursuance of this Act or of any rules or orders made thereunder.

Delegation.

9. The State Government may, by notification in the *Official Gazette*, direct that any power exercisable by it under this Act, shall, subject to such conditions, if any, as may be specified in the notification, be exercisable also by an officer specially empowered in this behalf by the State Government.

Penalty.

10. Any person who obstructs the lawful exercise of any power conferred by or under this Act shall, on conviction, be punishable with fine which may extend to one thousand rupees.

Power to make rules.

11. (*1*) The State Government may, by notification in the *Official Gazette*, make rules for carrying out the purposes of this Act.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) the form of notice and the other manner in which it may be served;

(*b*) the procedure to be followed in taking possession of displaced persons premises;

(*c*) the manner in which damages for unauthorised occupation may be assessed ;

(*d*) the manner in which appeals may be preferred and the procedure to be followed in appeals;

(*e*) any other matter which has to be or may be prescribed.

REGULATION No. I OF 1952.

[THE AKRANI MAHAL (APPLICATION OF LAWS) REGULATION, 1952.]

[*12th August 1952*]

A Regulation for the application of certain laws to Akrani Mahal, which is a scheduled area, in the West Khandesh District in the State of Bombay.

WHEREAS it is necessary to apply the provisions of certain laws to Akrani Mahal, which is a scheduled area, in the West Khandesh District in the State of Bombay, for the peace and good government of the said area ;

NOW, THEREFORE, in exercise of the powers conferred by sub-paragraph (2) of paragraph 5 of the Fifth Schedule to the Constitution of India, the Governor of Bombay is hereby pleased, with the assent of the President, to make the following Regulation, namely :—

Short title, extent and commencement.

1. (*1*) This Regulation may be called the Akrani Mahal (Application of Laws) Regulation, 1952.

(*2*) It extends to the Akrani Mahal in the West Khandesh District in the State of Bombay.

(*3*) It shall come into force at once.

Application of Acts V of 1908 and XIV of 1869 to Akrani Mahal.

2. (*1*) The Code of Civil Procedure, 1908, in its application to the State of Bombay but subject to the modification specified in sub-section (*2*), and the Bombay Civil Courts Act, 1869, shall apply to, and come into force in the Akrani Mahal in the West Khandesh District.

V of 1908. XIV of 1869.

(*2*) In the application of the Code of Civil Procedure, 1908, to the said Akrani Mahal, sub-sections (*2*) and (*3*) of section 1 of the said Code shall be deleted.

V of 1908.

REGULATION No. II OF 1952.

[THE BOMBAY AGRICULTURAL DEBTORS RELIEF (MEHWASSI ESTATES AND AKRANI MAHAL) (AMENDMENT) REGULATION, 1952.]

[*27th January 1953*]

A Regulation to amend the Bombay Agricultural Debtors Relief Act, 1947, in its application to the Mehwassi Estates and Akrani Mahal which are Scheduled Areas in the West Khandesh District in the State of Bombay.

Bom. XXVIII of 1947.

WHEREAS it is necessary to amend the Bombay Agricultural Debtors Relief Act, 1947, in its application to the Mehwassi Estates and Akrani Mahal which are Scheduled Areas in the West Khandesh District in the State of Bombay, for the peace and good government of the said areas ;

NOW, THEREFORE, in exercise of the powers conferred by sub-paragraph (2) of paragraph 5 of the Fifth Schedule to the Constitution of India, the Governor of Bombay is hereby pleased, with the assent of the President, to make the following Regulation, namely :—

Short title, extent and commencement.

1. (*1*) This Regulation may be called the Bombay Agricultural Debtors Relief (Mehwassi Estates and Akrani Mahal) (Amendment) Regulation, 1952.

(*2*) It extends to the Akrani Mahal and the territory of the Mehwassi Estates specified in the Schedule.

(*3*) It shall come into force at once.

Bom. XXVIII of 1947.

Application of Bombay Agricultural Debtors Relief Act with modification.

2. The Bombay Agricultural Debtors Relief Act, 1947 (hereinafter referred to as the said Act) as amended in its application to the Akrani Mahal and the Mehwassi Estates by Government Notification in the Revenue Department, No. L. A. 140/46, dated the 21st April 1949, issued under section 92 of the Government of India Act, 1935, shall be further amended as follows, namely :—

For clause (3) of section 2 of the said Act as so amended the following shall be substituted, namely :—

"(3) 'Court' means the court of the Civil Judge (Senior Division), having ordinary jurisdiction in the area where the debtor ordinarily resides and if there is no such Civil Judge, the court of the Civil Judge (Junior Division), having such jurisdiction and includes any court to which an application may be referred to for disposal under section 13A."

SCHEDULE.

The villages belonging to the following Mehwassi Chiefs in the West Khandesh District :—

(1) The Parvi of Kathi,
(2) The Parvi of Nal,
(3) The Parvi of Singapur,
(4) The Walvi of Gaohalli,
(5) The Wassawa of Chikhli,
(6) The Parvi of Navalpur.

M&B Bk H 434—1a